



Crl.M.P.(MD)No.207 of 2026

in Crl.A.(MD)No.7 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.207 of 2026

in Crl.A.(MD)No.7 of 2026

Mathavan

... Petitioner

versus

The State rep. by
The Inspector of Police,
Thiruvudaimarudur Police Station,
Thanjavur,
Thanjavur District.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Thanjavur, in Spl.S.C.No.62 of 2023, by Judgment dated 29.08.2025 and enlarge the petitioner on bail.

For Petitioner : Mr.S.Sivasubramanian



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For Respondent : Mr.S.Prakash
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.62 of 2023 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur. He was tried for the offence under Section 8 of POCSO Act and Section 116 r/w. 306 IPC that he went inside the bathroom, hugged the victim girl, fell on her feet and requested her to have sexual relationship with him. After the trial, the trial Court, by its Judgment dated 29.08.2025, found the petitioner guilty, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	8 of POCSO Act	5 years rigorous imprisonment	Rs.10,000/-	Six months simple imprisonment
2.	116 r/w. 306 IPC	2 years and 5 months rigorous imprisonment	-	-

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.7 of 2026 and the same was admitted by this Court on 06.01.2026. Along with this appeal, the petitioner has moved



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this petition seeking to suspend the sentence.

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2. The learned counsel appearing for the petitioner has raised the following points for suspending the sentence:

(i) Unexplained delay of 7 days in lodging the complaint before the respondent Police by P.W.1.

(ii) Unexplained delay of 9 hours on the side of the respondent Police to arrive at the Government Hospital, Kumbakonam, to receive the complaint and register FIR.

(iii) FIR was registered on 23.09.2022 at 8.00 a.m., however, the FIR reached to the Judicial Magistrate, Thiruvudaimaruthur, only on 28.09.2022 with a delay of 5 days. However, there was no explanation for the delay of 5 days on the side of the prosecution in forwarding the FIR to the Court.

(iv) Though the FIR was registered on 23.09.2022, the confession statement of P.W.1 under Section 164(5) Cr.P.C. was recorded only on 15.10.2022, with a delay of 21 days. However, there was no explanation on the side of the prosecution for the same.

According to the learned counsel, now, the victim girl got married with another person. Since the petitioner is in jail for more than nine months, he



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seeks to grant bail to the petitioner.

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3. The learned Government Advocate (Crl. Side) submits that on 15.09.2022, at about 18.00 hrs., the victim girl was alone in her house and when she was taking bath in the bathroom, which was closed with thatches, the accused went inside the bathroom and hugged her, fell on her feet and requested her to have sexual relationship with him once. Since the victim child shouted, he fled away and absconded. On 22.09.2022, the accused returned to the village and the parents of the victim child went and when they questioned the accused about the occurrence, he stated that he would behave like that since he is a male and challenged them and asked them to die, if they feel ashamed. The victim child, out of shame, consumed termite powder poison. Hence, the case.

4. This Court considered the rival submissions made.

5. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time. Further, the petitioner is in jail for more than nine months.



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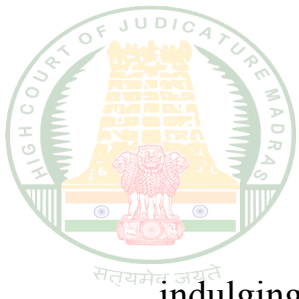
6. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge (Special Court for Exclusive Trial of Cases under POCSO Act), Thanjavur.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by



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indulging in any further offence.

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(iv) The petitioner shall stay at Chennai and appear before the Inspector of Police, K10 Police Station, Koyambedu, Chennai, daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will not visit the occurrence place and not disturb the victim girl and her family members at any point of time.

(v) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

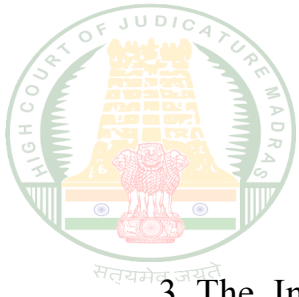
15.04.2026

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To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act,
Thanjavur.

2. The Superintendent,
Central Prison, Trichy.



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3. The Inspector of Police,
K10 Police Station,
Koyambedu, Chennai.

4. The Inspector of Police,
Thiruvudaimarudur Police Station,
Thanjavur,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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