



Crl.MP.(MD).No.1279/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

Crl.MP.(MD).No.1279/2026

in

CRL A(MD)No.95/2026

1.Andi
2.Lakshmi

... Petitioners /
A2 and A5

Vs

The State of Tamilnadu rep.by
The Inspector of Police,
All Women Police Station,
Tiruppathur, Sivagangai District.
[Crime No.3/2020]

... Respondent

PRAYER:- Petition filed under Section 430[2] read with 483 of the BNSS to enlarge the petitioners on bail by suspending the sentence imposed in Spl.SC.No.18/2020 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Sivagangai, dated 05.12.2025.

For Petitioner : Mr.D..Venkatesh

For Respondent : Mr.K.Sanjai Gandhi,
GA[Crl.Side]



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ORDER

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These Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned Sessions Judge, Special Court for POCSO Act Cases, Sivagangai, in Spl.SC.No.18/2020 dated 05.12.2025, and to enlarge the petitioners on bail pending disposal of the appeal.

2. There are totally 5 accused in this case, arrayed as A1 to A5. The petitioners are A2 and A5. The gist of the prosecution case is that on 16.05.2020, when the victim girl/daughter of PW1 was in her house, A1 called the victim girl over phone and asked her to come to S.S.Kottai Bus Stop. When the victim girl went to the said bus stop, A1 forcibly kidnapped her in his two wheeler and took her to the residence of A3 at Soodamanipuram, Karaikudi. In continuation of the aforesaid occurrence, on 18.05.2020, A2 to A5 told A1 to marry the victim girl by tying "thali" and A1, accordingly tied the nuptial thread and committed sexual assault on her. When the victim girl requested the accused to leave her at her parental home, the accused locked her and A1 repeatedly committed sexual assault on her till 26.05.2020. Therefore, a case was registered in Crime No.3/2020 for the offence under Section 366[A] of



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IPC and Section 5[1] read with Section 6 of the POCSO Act, 2006, and under Section 9 of the Prohibition of Child marriage Act, 2006, as **against A1** ; for the offence u/s.5[1] read with Section 17 of the POCSO Act, 2012 and Section 10 of the Prohibition of Child marriage Act, 2006, as **against A2 and A5 [petitioners herein]** ; and for the offence u/s. 5[1] read with Section 17 of the POCSO Act, 2012 and Section 11 of the Prohibition of Child marriage Act, 2006, as **against A3 and A4.**

3.Before the Trial Court, on the side of the prosecution, 10 witnesses were examined as P.W.1 to P.W.10 and 18 documents were marked as Ex.P.1 to Ex.P.18 and four material objects were produced as M.O.1 to M.O.4. On the side of the accused, neither any witness was examined nor any document was produced.

4.The learned Sessions Judge, Special Court for POCSO Act Cases, Sivagangai, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, acquitted the petitioners for the offence under Section 5[1][read with Section 17 of the POCSO Act, but, convicted and sentenced each of the petitioners to undergo rigorous imprisonment for 1 year along with a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for three months for the



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offence punishable under Section 10 of the Prohibition of Child Marriage Act, 2006.

5.Challenging the above said conviction and sentence, the petitioners/appellants have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.Heard both sides and perused the materials placed on record.

7.The materials on record indicate that PW1 [victim] deposed that A1 called her through the mobile phone of PW2, the mother of the victim and when she went to SS Kottai Bus Stop, she was kidnapped by him. However, PW2 and PW5[sister of the victim girl] in their cross examination, categorically admitted that PW2, the mother of the victim, did not possess a mobile phone during the occurrence period. This aspect of the matter, *prima facie* casts a doubt on the prosecution's allegation of kidnapping and the assertion that the victim did not voluntarily go with A1. A cursory perusal of the evidence reveals that there is absolutely no material to establish the prosecution's case that the petitioners conducted the child marriage of the victim with their son/A1.



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Without expressing any opinion on the merits of the appeal and considering the limited scope of enquiry under Section 389 of Cr.P.C, this Court is of the view that the aforesaid circumstances disclose arguable points warranting consideration. In such view of the matter, a case for suspension of sentence pending disposal of the appeal is made out.

8. Further, the criminal appeal is not likely to be taken up for final hearing in the near future and hence, this Court is inclined to suspend the sentence imposed on the petitioners, subject to the following conditions:-

(i) the petitioners are directed to pay the fine amount of Rs.2,000/- within a period of two weeks from today ;

(ii) upon payment of the fine amount, the petitioners shall be enlarged on bail on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum, within a period of 10 days from the date of receipt of a copy of this order, to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Sivagangai ;

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



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(iv) The petitioners shall appear before the Trial Court, on every Monday, at 10.30 a.m., pending disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

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TO

- 1.The The Inspector of Police,
All Women Police Station,
Tiruppathur, Sivagangai District.
- 2.The Sessions Judge
Special Court for Exclusive Trial of
Cases under POCSO Act, Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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