



*Crl.MP(MD) No.1833 of 2026 in
Crl.A(MD) No.382 of 2021*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1833 of 2026
in Crl.A.(MD)No.382 of 2021

S.Bakiyaraj

... Petitioner

Vs.

The Inspector of Police,
AWPS Police Station,
Keeranur, Pudukkottai District.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner in S.C.No.1 of 2016 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, dated 18.12.2020 and enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.P.Pagalavan

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. Side)



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ORDER

The petitioner, an accused in S.C.No.1 of 2016, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	376(2) IPC	10 years RI	Rs.20,000/-	3 months SI

As against the conviction and sentence imposed by the trial Court in S.C.No.1 of 2016, dated 18.12.2020, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.382 of 2021 and the same was admitted by this Court on 14.09.2021. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that the petitioner, a married man, had sexual relationship with a 14 year old victim girl. The victim girl became pregnant, due to which, a panchayat was held and in that panchayat, the petitioner married the victim girl for the second time. The victim girl gave birth to a child. Hence, the case.



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3. The learned counsel appearing for the petitioner submits that this petitioner was in jail from 06.09.2019 and thereafter, from the date of conviction on 18.12.2020. According to him, the petitioner is in jail for nearly 6 years 9 months.

4. The learned Government Advocate appearing for the respondent opposed this petition that being a married man, the petitioner, had relationship with the minor victim girl.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. The petitioner has been found guilty, convicted and sentenced to undergo rigorous imprisonment for a period of 10 years. It appears that he has already undergone substantial portion of punishment. The petitioner infact, said to have married the victim girl, who was aged about 14 years. He was charged for the offence under the provisions of the Prohibition of Child Marriage Act. However, the Trial Court acquitted him from those



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charges. The victim girl in her evidence also stated that knowing that the petitioner is a married man, she had an affair with him.

7. It is now reported that the victim girl has married another person and the child was adopted by the victim's sister. Since this petitioner is in jail for a period of six years and nine months, that he has already undergone substantial portion of punishment and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

8. 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 a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Illuppur.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the



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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 stay at Madurai and report before the Inspector of Police, Anna Nagar Police Station, Madurai, daily at 10.30 a.m., until further orders.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future and that the petitioner will not visit the victim or the child, pending appeal.
- v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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- 1.The Sessions Judge, Mahila Court,
Pudukkottai.
- 2.The Judicial Magistrate,
Illupur.
- 3.The Inspector of Police,
AWPS Police Station,
Keeranur, Pudukkottai District.
- 4.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
- 5.The Superintendent,
Central Prison,
Trichy.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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