



CrlMP(MD)No.2346 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrlMP(MD)No.2346 of 2026
in
Crl A(MD)No.165 of 2026**

Masanam

...Petitioner

Vs

**State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town.**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail by suspending the sentence imposed in SplSC.No.110 of 2022 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli dated 25.09.2025.

For Petitioner : Mr.N.Adithya Vijayalayan

**For Respondent : Mr.A.Robinson,
Government Advocate**



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ORDER

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The petitioner is the sole accused in SplSC.No.110 of 2022 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli. By judgment dated 25.09.2025, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.5,000/-, in default to undergo 1 year rigorous imprisonment for the offence under Section 9(m) r/w Section 10 of the POCSO Act, and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.5,000/-, in default to undergo 1 year imprisonment for the offence under Section 366 IPC. As against the conviction and the sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.165 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 04.02.2026.

2.This court considering the health condition of the petitioner has granted interim bail on 27.02.2026 for a period of three months upto 23.05.2026 and the petitioner after taking treatment has surrendered before the prison.

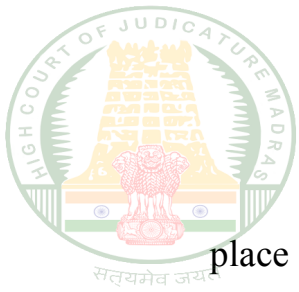


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3.The learned counsel for the petitioner submits that the petitioner is aged about 73 years and he is residing in a row house. The victim and her parents were residing near the petitioner's house. This complaint is a motivated one. The father of the victim PW3 is a money lender and has lent money to various persons including the neighbours of the petitioner. PW3 has created problem with one of his neighbours and this petitioner has objected for the same. Therefore, there was a quarrel and on account of the same, this case has been foisted as against him.

4.The learned counsel further submits that the occurrence is said to have taken place on 18.05.2021 and the complaint was lodged on 21.05.2021. The complaint was originally lodged before the Tirunelveli Town Police Station, wherein the petitioner, victim and PW1 were enquired, however, no case was registered by them. Thereafter this complaint was lodged on the next day before the All Women Police Station and they have filed the final report as against the petitioner. The earlier version and the complaint of the PW1 before the Tirunelveli Town Police Station have been suppressed by the prosecution. The learned counsel submits that the occurrence is said to have taken



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place on 18.05.2021 during the Covid-19 pandemic, in a row house and at that time, the neighbours were present in their houses. However, the investigating agency has not examined any of the neighbours to establish that there was an incident as projected by the prosecution.

5.The learned counsel for the petitioner submits that the petitioner is having some ailments and he has been admitted in hospital for urinary track disease and his health condition has been deteriorating everyday. Considering this health condition this court has granted interim bail for a period of three months enabling him to take treatment and after treatment, he has surrendered. However, his condition is not improved.

6.The learned Government Counsel opposed this petition that at the time of occurrence, the age of victim girl was 11 years and she has been sexually abused by the petitioner. The victim has narrated the incident before the learned Judicial Magistrate, when she was examined under Section 164 CrPC and also before the trial court during her evidence. According to the learned Government Counsel, the prosecution has established its case through the examination of PW2 and the victim.



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7.This court has considered the rival submissions made and perused the materials placed on record.

8.The petitioner has been convicted for the offence under the POCSO Act. Totally he is in jail nearly for 60 days. The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However appeal could not be taken up immediately for final hearing. Considering the period of incarceration, the health condition of the petitioner and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.



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(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, will not visit the occurrence place, pending the appeal.

(iii) The petitioner shall stay at Cheranmahadevi and shall report before the Inspector of Police, Cheranmahadevi daily at 10.30 am.

(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

16.06.2026

DSK

To

1. The Sessions Judge [Mahila Court],
Pudukottai.

2. The Inspector of Police,
All Women Police Station,
Tirunelveli Town.



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3. The Superintendent,
Central Prison,
Palayamkottai.

4. Inspector of Police,
Cheranmahadevi.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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