



CrIMP(MD)No.1801 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.1801 of 2026
in
Crl A(MD)No.1256 of 2025**

Karuppasami

...Petitioner

Vs

**State rep by,
the Inspector of Police,
Manur Police Station,
Tirunelveli District,
[Crime No.243 of 2017]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the execution of the sentence by granting bail in SplCC.No.239 of 2019 dated 27.12.2024 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli district till the disposal of the criminal appeal.

For Petitioner : Mr.R.Muthuram

For Respondent : Mr.S.Deenadhayalan,

Government Advocate



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ORDER

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The petitioner is the sole accused in SplSC.No.239 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli. He was tried and by judgment dated 02.08.2024, he was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.1000/- in default to undergo 1 month simple imprisonment for the offence under Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.1256 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 29.01.2026.

2.The survivor in this case was a 4 year old child on the date of occurrence. The survivor (PW1) used to visit the house of the petitioner for watching television. On 29.05.2017, the survivor child (PW1) along with PW3 had gone to the house of the petitioner for watching television and at that time, the petitioner is said to have touched the private part of the survivor child, which was noticed by the PW3. However, there was no complaint. PW5 and one Isaikumar are said to have enquired the



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petitioner on 04.06.2017 and also assaulted the petitioner. Thereafter the complaint was lodged on 05.06.2017. The trial court found the petitioner guilty and sentenced as stated supra.

3.The learned counsel for the petitioner submits that there is a delay of 7 days in reporting the incident. The occurrence took place on 29.05.2017, but it has been reported only on 05.06.2017. On 04.06.2017, the petitioner was assaulted by one Murugan PW5 and one Isaikumar and he was admitted in Tirunelveli Medical College Government hospital on 05.06.2017. Only thereafter, the present complaint has been lodged. This fact coupled with the delay in reporting the incident shows that the case has been foisted as against the petitioner. On the date of occurrence, PW1 was accompanied by PW3 and the incident was witnessed by her. However she failed to support the case of the prosecution and turned hostile. He further submits that though the sister of the appellant (DW1) and the Doctor (DW2), who treated the appellant were examined on the side of the petitioner, their evidence was not taken into consideration.



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4.The learned counsel further submits that the petitioner was in custody from 06.06.2017 to 28.09.2017 during the trial and is in jail from 27.12.2024. He also submits that the petitioner is suffering from renal failure and has been admitted in the intensive case unit in the Tirunelveli Medical College Hospital and taking treatment from 03.01.2026.

5.The learned Government Advocate has raised objections that the survivor child is four years old and the survivor has deposed about the occurrence, when she was examined under Section 164 CrPC and also during the evidence. However the other child, who accompanied the survivor has not supported the case of the prosecution and on that ground the petitioner cannot be given any concession.

6.This court has considered the rival submissions made.

7.The petitioner has suffered injury at the instance of PW5 and another. He was admitted in the hospital. The Doctor DW2 has examined him. However, there was no case registered in that regard. The complaint in this case has been registered on 05.06.2017 after the incident occurred



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on 04.06.2017. The case of the prosecution is that the petitioner is said to have committed the offence on the survivor, who was watching television along with PW3. However, PW3 has not supported the case of the prosecution. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal, however, the appeal could not be taken up for final hearing, for want of time. Considering the period of incarceration, his health condition and hospitalisation and that the appeal could not be taken up for hearing immediately, this court is inclined to suspend the sentence pending the appeal.

8. 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.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned 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 and the survivor, pending the appeal.

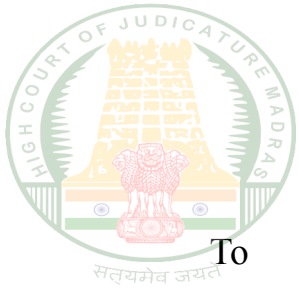
(iii) The petitioner shall report before the respondent police on the first working day of every month.

(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.

03.06.2026

DSK



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To

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- 1.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 2.The Sessions Judge,
Special Court for Protection of
Children from Sexual Offences Cases,
Tirunelveli.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

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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