



Crl.M.P.(MD)No.2614 of 2026

in Crl.A.(MD)No.183 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.2614 of 2026

in Crl.A.(MD)No.183 of 2026

M.Vishnukumar

... Petitioner

versus

State of Tamil Nadu
Through Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence passed by the Special Court for Exclusive Trial of Cases under the POCSO Act, Srivilliputhur, Virudhunagar, passed in Spl.S.C.No.121 of 2023 by Judgment dated 09.09.2025 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.T.Karthick

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



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ORDER

The petitioner is the sole accused in Spl.S.C.No.121 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur, Virudhunagar. He was tried for the offence under Section 363 IPC and Sections 4(2), 5(1) r/w. 6 and 7 r/w. 8 of POCSO Act that he has committed forcible sexual assault on the victim girl, aged about 15 years. After the trial, the trial Court, by its Judgment dated 09.09.2025, found the petitioner guilty, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	363 IPC	7 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment
2.	5(1) r/w. 6 of POCSO Act	20 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment
3.	7 r/w. 8 of POCSO Act	5 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment
4.	4(2) of POCSO Act	20 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.183 of 2026 and the same was



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admitted on 05.02.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other and due to the love affair, the victim girl herself eloped with the petitioner. He further submits that though the FIR was registered on 21.05.2023, the victim girl was subjected to medical examination belatedly after a lapse of three days. Further, P.W.8-Doctor who treated the victim girl, in her evidence, stated that no external or internal injuries were found on the body of the victim girl and no sign of sexual intercourse was found. Therefore, the petitioner is having certain arguable points in this appeal. Since the petitioner is in jail from the date of conviction, he seeks to suspend the sentence imposed against him.

3. Heard the learned Government Advocate (Crl. Side).

4. 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



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petitioner is in jail from the date of conviction.

5. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that this is a case of adolescent love affair (Romeo – Juliet) and the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.

6. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur, Virudhunagar.

(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



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respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Coimbatore and appear before the Inspector of Police, Peelamedu Police Station, Coimbatore, 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.

(vi) 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,
Srivilliputhur, Virudhunagar.

2. The Superintendent,
Central Prison, Madurai.

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3. The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
4. The Inspector of Police,
Peelamedu Police Station,
Coimbatore.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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