



CRL MP(MD)No.1943 of 2026
in CRL A(MD)No.140 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.1943 of 2026
in CRL A(MD)No.140 of 2026

Sathish Kumar

... Petitioner

Vs

1. State of Tamilnadu, Rep by
The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
(Crime No. 695/2023)

2. XXX
S/o.YYY
Thanjavur District.

... Respondents

PRAYER :- This petition is filed under 430 BNSS to suspend the sentence imposed on the petitioner, vide impugned judgment dated 28.11.2025 made in Spl.S.C.No.109/2023 on the file of the learned Principal Special court for Exclusive Trial of Cases under POCSO Act, Thanjavur, pending disposal of the above criminal appeal.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondent : Mr.S.Deenadhayalan,
Counsel for State of Tamil Nadu (Crl. side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.109 of 2023 on the file of the Principal Special court for Exclusive Trial of Cases under POCSO Act, Thanjavur. He was tried for the offence under Section 366 IPC and Sections 9(m) and 10 of POCSO Act that he has abducted the victim child, taken her to a remote place and hugged her from behind. After the trial, the trial Court, by its Judgment dated 28.11.2025, found the petitioner guilty for the offence under Section 366 IPC and Section 10 of POCSO Act and convicted and sentenced him as follows:

Sl.No	Section	Punishment	Fine amount	Default
1.	u/s. 366 IPC	10 years rigorous imprisonment	Rs.10,000/-	One year simple imprisonment
2.	u/s. 10 of POCSO Act	7 years rigorous imprisonment	Rs.5,000/-	6 months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed the criminal appeal in Crl.A.(MD)No.140 of 2026 and the same has been admitted by this Court on 30.01.2026. Along with the criminal appeal, the petitioner has moved this petition seeking to suspend the



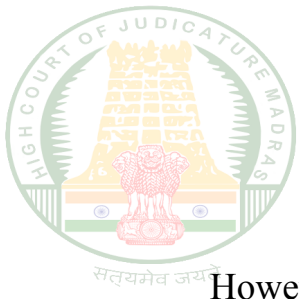
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sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the defacto complainant is having some motive and therefore, this case has been foisted against the petitioner. According to him, the occurrence had been witnessed by P.W.4 to P.W.6, but, those witnesses did not support the case of the prosecution. Except the statement of the survivor (victim child), there are no other materials to substantiate the case of the prosecution. Even according to the survivor (victim child), the petitioner said to have taken her to a remote place and hugged her from behind. He further submits that the petitioner is in jail for nearly six months, i.e. from the date of conviction. Therefore, he requests this Court to suspend the sentence imposed on the petitioner.

3. The learned counsel for State of Tamil Nadu (Crl. Side) submits that at the time of occurrence, the age of the survivor (victim child) was 11 years. On the date of occurrence, i.e. on 15.08.2023, the survivor (victim child) was grazing goats along with her mother and after some time, her mother asked her to look after the goats and she went home.



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However, one goat and two lambs went missing. Therefore, the survivor (victim child) was searching for the same. Taking advantage of the situation that the survivor (victim child) is alone, the petitioner has misguided her and taken her to a cotton field belonging to P.W.13 and hugged her from behind. At that time, the survivor (victim child) raised alarm and the same was witnessed by P.W.4 to P.W.6, however, they did not support the case of the prosecution. The prosecution has established its case through the statement of the survivor (victim child) and her evidence.

4. This Court considered the rival submissions made.

5. According to the prosecution case, when the survivor (victim child) was in search of missing the goat and two lambs, the petitioner, under the guise of helping the child, said to have taken her to a cotton field and hugged her from behind. Though the prosecution has relied upon the witnesses, namely, P.W.4 to P.W.6, they did not support the case of the prosecution. The trial Court, by the impugned Judgment, convicted and sentenced him for the offence under Section 366 IPC and



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Section 10 of POSCO Act as stated above. The petitioner is in jail from the date of conviction, ie. from 28.11.2025.

6. The petitioner has raised certain arguable points, however, the same can be considered only during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time.

7. Considering the nature of allegations, the available evidence and the period of incarceration, this Court is inclined to suspend the sentence with certain conditions. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.



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(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 respondent Police without fail.

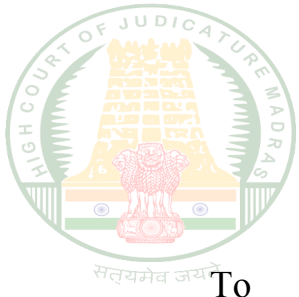
(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Tirupur and report before the Inspector of Police, Town Police Station (South), Tirupur, daily at 10.30 a.m. until further orders.

(v) The petitioner shall file an affidavit before the respondent Police that he will not visit the occurrence village and not disturb the survivor (victim child) and her family members at any point of time.

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To
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1. The Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur.
2. The Superintendent,
Central Prison,
Trichy.
3. The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
4. The Inspector of Police,
Town Police Station (South),
Tirupur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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