



Crl.MP(MD)No.4572 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

Crl.MP(MD)No.4572 of 2026

in

Crl.A(MD) No.281 of 2026

Rajkumar

... Petitioner/Accused

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Kamuthi All Women Police Station,
Ramanathapuram District.
Crime No.2/2017

... Respondent/Complainant

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed against the petitioner in Spl.S.C.No.9/ 2017 dated 30.01.2026 on the file of the Fast Track Mahila Court (Mahalir Neethimandram) Ramanathapuram and enlarge the petitioner on bail pending disposal of above Criminal Appeal.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.V.Shathurthiraja,
Government Advocate



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ORDER

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The petitioner is the sole accused in SplSC.No.9 of 2017 on the file of the Fast Track Mahila Court (Mahalir Neethimandram), Ramanathapuram. He was prosecuted for the offence under Section 4 of the POCSO Act. By judgment dated 30.01.2026, the petitioner was found guilty, convicted and sentenced to undergo 3 years rigorous imprisonment with a fine of Rs.3,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 7 r/w 8 of the POCSO Act. However he was acquitted of the charge under Section 4 of the POCSO Act. As against the conviction and the sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.281 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 26.02.2026.

2.The trial court has suspended the sentence upto 27.02.2026 enabling the petitioner to file an appeal and thereafter this court has extended the same periodically.



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3.The learned counsel for the petitioner submits that the petitioner is working as an Village Administrative Officer. The case has been foisted as against him that the petitioner has committed penetrative sexual assault as against the victim girl on 25.01.2017, however, the complaint was lodged only on 26.01.2017. Though the complaint has been made that the age of the victim girl was 17 years, according to the prosecution the victim was 17 years 10 months and 14 days and she was about to complete 18 years. The complainant has stated that the petitioner has taken her and committed penetrative sexual assault. Whereas the same not been proved by the investigating agency. The Doctor who examined the victim has also stated that there is no symptoms of rape or any penetrative sex on the victim. Therefore, the trial court has acquitted this petitioner of the charge under Section 4 of the POCSO Act, however, convicted him based on the sole evidence of PW1. He also submits that there was dispute between the petitioner and the accused family and on this motive this case has been foisted as against him, He further submits that the petitioner is working as Village Administrative Officer and in the event if he is arrested his career would be spoiled.



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4.The learned Government Advocate submits that PW1 was aged about 17 years 10 months and 14 days old that the time of occurrence. While she was grazing goats, the petitioner has taken her to a remote place and committed the offence. However, trial court has acquitted of the petitioner under Section 4 of the POCSO Act, since the medical evidence has not supported the allegation of penetrative sex.

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

6.The victim girl was about to complete 18 years. The victim girl has stated that this petitioner has taken her to a remote place and has committed the offence. However, the same has not been supported by the medical evidence. The learned counsel has pointed out certain infirmities in the evidence of PW1 that after the incident she went to her relatives house and on the next day it was informed to her mother and complaint was lodged, whereas she has also stated that after the incident she went home and reported to her mother. He has also attributed some motive as against the victim family. The petitioner has raised certain arguable points, which can be considered only during the final hearing, however, the appeal could



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not be taken up immediately for want of time. Considering the materials and the position of the petitioner as Village Administrative Officer, this court is inclined to allow this petition.

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 Fast Track Mahila Court, Ramanathapuram.

(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 report before the Inspector of Police, Kamuthi Taluk Police Station daily at 9.30 am.

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



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(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 Inspector of Police,
Kamuthi All Women Police Station,
Ramanathapuram District.

2. The Fast Track Mahila Court,
(Mahalir Neethimandram),
Ramanathapuram.

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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