



CrIMP(MD)No.8593 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.8593 of 2026
in
Crl A(MD)No.467 of 2026**

Ananth

...Petitioner

Vs

**The State,
rep by the Inspector of Police,
All Women Police Station, Papanasam,
[Crime No.3 of 2022]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail by suspending the sentence imposed in SplSC.No.53 of 2023 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur dated 19.09.2024 pending disposal of the main criminal appeal.

**For Petitioner : Mr.K.Jeyamohan
for Mr.S.Nirmal Aditya
For Respondent : Mr.S.Deenadhayalan,
Government Advocate**



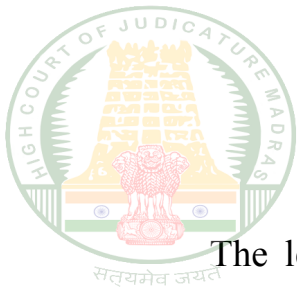
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ORDER

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The petitioner is the sole accused in SplSC.No.53 of 2023 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur. By judgment dated 19.09.22024, the petitioner was found guilty, convicted and sentenced to undergo 3 years rigorous imprisonment with a fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment for the offence under Section 8 of the POCSO Act and sentenced to undergo 6 months rigorous imprisonment with a fine of Rs.500/- in default to undergo 1 month rigorous imprisonment for the offence under Section 323 IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.467 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 22.04.2026.

2.The learned counsel for the petitioner submits that the case is foisted one based on the statement of the survivor girl and her parents and there is no independent witness. Though the occurrence has taken place on 16.01.2022, the complaint was lodged on 18.01.2022.



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The learned counsel by referring to the statement of the survivor girl recorded under Section 164 of CrPC submits that the girl claimed that at the time of occurrence, there were two persons present and one of them has snatched away her chain, whereas during the trial she has deposed that this petitioner alone was present and he misbehaved with her. The petitioner is in jail from the date of conviction, ie., on 19.09.2024.

3.The learned Government Advocate has raised objections that the survivor girl was 17 years at the time of the occurrence. When the survivor girl went to answer her nature's call during a pongal festival, the petitioner followed her and hugged her from behind. The girl caught hold of him and informed the same to her parents. He fairly admits there is a delay in lodging the complaint.

4.This court has considered the rival submissions made.

5.Though the petitioner has been caught red handed at the time of occurrence, the complaint has been lodged after two days. It appears that the survivor child has stated different versions in the 164 CrPC statement



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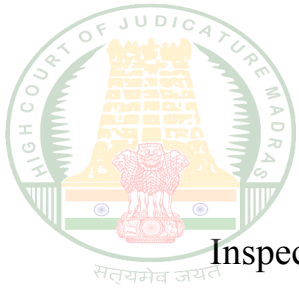
and in the evidence during the trial. The petitioner has raised certain arguable points which can be considered only during the final hearing of the appeal. However appeal could not be taken up immediately for final hearing. Considering the period of incarceration, the allegations against this petitioner and that the appeal could not be taken up immediately for hearing, this court is inclined to suspend the sentence pending the appeal.

6. 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 Principal Sessions Judge, Tenkasi.

(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 girl, pending the appeal.

(iii) The petitioner shall stay at Chennai and report before the



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Inspector of Police, R1 Mambalam Police Station, Chennai daily at 10.30am.

(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.

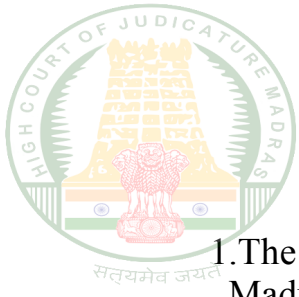
04.06.2026

DSK

To

- 1.The Sessions Judge,
Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur.
- 2.The Inspector of Police,
All Women Police Station,
Papanasam,
- 3.The Superintendent,
Central Prison,
Trichy.

Copy to



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

2.The Inspector of Police,
R1 Mambalam Police Station,
Chennai.



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B.PUGALENDHI.J.,

DSK

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