



Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5994 of 2026

in

Crl.A(MD) No.343 of 2026

Elangovan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Theni District.
Crime No.14 of 2024

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 422 & 439 of BNSS, 2023 to suspend the sentence imposed against the petitioner in S.C.No.110 of 2024, dated 13.02.2026, on the file of the Court of Principal Special Court for exclusive trial of cases under POCSO Act, Theni and enlarge him on bail.

For Petitioner : Mr.C.Saravanakumar
For Respondent : Mr.A.S.Abdul Kalam Azad
Government Advocate (Crl.side)



Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

They are having an issue with regard to rearing of Dog by the defacto complainant. The petitioner has lodged a complaint as against PW 1/the mother of the victim, just one week prior to the date of occurrence and that was admitted by PW 1 and also by the victim. According to the evidence, on the date of occurrence, the victim girl along with her brother was bursting crackers, due to which, the dog was barking. This petitioner is said to have scolded the victim and her brother. Therefore, according to the petitioner's counsel, with this motive, the compliant has been foisted as against this petitioner.

2.1.The learned counsel has pointed out that for the alleged occurrence said to have taken place on 15.06.2024 at about 5.00 pm., the case was registered after two days on 17.06.2024 at about 6 hours. Considering the motive and the delay, the learned counsel has insisted for considering the application for suspension of sentence.

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that the trial Court has considered the ground



Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

of delay in lodging the complaint and it was discussed that the father of the victim girl was working at Srivilliputhur and after his arrival, the complaint was lodged before Allinagaram Police station. Therefore, according to the learned Government Advocate, the delay in lodging the complaint has been properly explained and it was also considered by the trial Court. With regard to the previous complaint lodged by the petitioner as against the defacto complainant, the learned Government Advocate submits that based on this motive alone, a complaint of this nature would not be foisted and this aspect was also considered by the trial Court.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner/accused in Spl.SC No.110 of 2024 has established before the trial Court that prior to the occurrence, there was an incident, wherein, this petitioner has lodged a complaint as against PW 1, on the manner, in which she was rearing the dog. The evidence



Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

of PW 2 also disclosed that the victim along with her brother has burst the crackers, which has triggered the dog reared by the victim family and that was questioned by the accused. That apart, there is a delay in reporting the incident. All these points and the other grounds raised by the petitioner can be appreciated only at the time of final hearing of the criminal appeal. Since the appeal could not be taken up immediately for want of time, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions.

8. 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 a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for exclusive trial of cases under POCSO Act, Theni.



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Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

- ii. The petitioner shall stay at Trichy and report before the Inspector of Police, Contonment Police Station, Trichy, daily at 10.30 a.m, until further orders.
- iii. The petitioner shall file an affidavit of undertaking before the concerned police station that he will not visit the scene Village pending the appeal.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

17.03.2026

Index : Yes/No
Internet : Yes/No
vrn



Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

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To

1.The Special Court for exclusive trial of cases under POCSO Act,
Theni.

2.The Inspector of Police,
All Women Police Station,
Theni District.

3.The Superintendent,
Central Prison, Madurai.

Copy to

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

2.The Inspector of Police,
Contonment Police Station,
Trichy.



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Crl.MP(MD) No.5994 of 2026 in
Crl.A(MD) No.343 of 2026

B.PUGALENDHI, J.,

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Order made in
Crl.MP(MD) No.5994 of 2026
in
Crl.A(MD) No.343 of 2026

17.03.2026