



*Crl.MP(MD)No.6917 of 2026 in  
Crl.A(MD)No.401 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**30.03.2026**

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.M.P.(MD)No.6917 of 2026  
in Crl.A.(MD)No.401 of 2026

1. Vasimalai

2. Mariammal

... Petitioners

Vs.

State Of Tamilnadu  
Rep By Inspector Of Police,  
Town North Police Station  
Dindigul.

... Respondents

**Prayer:** To Suspend the sentence imposed by the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul by judgment dated 30.12.2025 in Spl.S.C.No.164/2024 and enlarge the petitioners on bail.

**For Petitioner(s):**

Mr.D.Shanmugaraja Sethupathi

**For Respondent(s):**

Mr.S.Prakash, Government Advocate



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## **ORDER**

The petitioners, who are 2nd and 3rd accused in Spl.S.C.No.164 of 2024, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, were tried along with A1, were found guilty by the trial Court and were convicted and sentenced as under:-

| Sl.No | Sections       | Punishment  | Fine amount | Default     |
|-------|----------------|-------------|-------------|-------------|
| 1     | 6 of POCSO Act | 20 years RI | Rs.5,000/-  | 6 months SI |

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.164 of 2024, dated 30.12.2025, the petitioners have filed a Criminal Appeal in Crl.A(MD)No.401 of 2026 and the same was admitted by this Court today. The petitioners have also moved this application to suspend the sentence imposed on them by the trial Court.

2. The case of the prosecution is that A1 had love affair with the victim girl, who was aged 16 years. The victim girl eloped with A1 and the petitioners / A2 and A3, who are parents of A1, provided shelter for the victim and A1. Hence, the case.



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3. The learned counsel appearing for the petitioners submits that these petitioners are parents of A1. The victim girl was aged about 16 years and without knowing the same, A1 had lover her. The victim girl eloped with A1 and these petitioners have provided asylum to the victim girl and A1 and therefore they are prosecuted. According to him, the petitioners were not aware of the age of the victim child and the victim child, on her own volition has eloped with A1. When the victim was examined under Section 164 Cr.P.C., there was no allegation of physical relationship between A1 and the victim child. However, it has been elaborated in the evidence.

4. The learned Government Advocate for the respondent submits that the victim girl is aged about 16 years. Knowing that the victim is a minor, the petitioners have encouraged A1 by providing shelter to A1 and the victim child. A1 also had physical relationship with the victim and therefore, the present case has been registered on the complaint of the mother of the victim child. The victim child was produced before the Doctor and the Doctor has reported that hymen was not intact. According to him, these petitioners have encouraged A1 to commit the offence.



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

6. The petitioners are parents of A1. A1 had love affair with the victim girl who was aged 16 years. The petitioners claim that they were not aware of the age of the victim. Admittedly, the victim girl was working in a mill, where A1 and the victim developed intimacy and eloped. Only for the reason that the petitioners provided shelter, they have been prosecuted and also been imposed with a major punishment. The petitioners are in jail for the past 90 days. Considering the case as against the petitioners, period of incarceration and that the appeal could not be taken up for final hearing for want of time, this Court is inclined to suspend the sentence imposed on the petitioners.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each



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for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.

- ii. The petitioners shall report before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioners shall file an affidavit of undertaking before the learned Judge that they will not involve in any offence in future.
- iv. In the event, if the petitioners have violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

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To

1.The learned Sessions Judge,  
Special Court for Exclusive Trial of Cases under POCSO Act,  
Dindigul.

2.The Inspector Of Police,  
Town North Police Station  
Dindigul.

3.The Superintendent,  
Central Prison,  
Madurai.

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



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**B.PUGALENDHI, J.,**

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