



CRL MP(MD). No.9040 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/06/2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD). No.9040 of 2026  
in  
Crl.A(MD).No.498 of 2026

Arul Prasad,

... Petitioner

Vs

1. The State of Tamilnadu,  
Rep by the Deputy Superintendent of Police,  
Rural Sub Division,  
Dindigul District..
2. State of Tamilnadu Rep by  
Inspector of Police,  
Awps-Dindigul Rural,  
Crime No.38/2024.
3. Arumugam,

... Respondents

PRAYER :- To suspend the sentence passed by the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Dindigul in Sessions Case No.02/2025 dated 03.11.2025 by enlarging the petitioner on bail pending the disposal of the criminal appeal.



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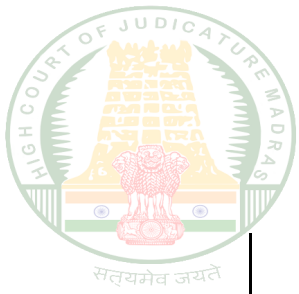
**CRL MP(MD). No.9040 of 2026**

For Petitioner : Mr. I. Romeo Roy Alfred,  
For R1 and R2 : Mr.V.Sathurthi Raj  
Government Advocate (Crl.Side)  
For R3 : Mr.A.R.Kannappan

**ORDER**

The petitioner, an accused in Sessions Case No.02/2025, on the file of the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Dindigul, was found guilty by the trial Court and was convicted and sentenced as under:-

| Sl.No | Sections                                                   | Punishment   | Fine amount | Default     |
|-------|------------------------------------------------------------|--------------|-------------|-------------|
| 1     | 126 of BNS<br>r/w 3(2)<br>(va) SC/ST<br>(POA) Act,<br>1989 | One month SI | -           | -           |
| 2     | Section 7<br>r/w 8 of<br>POCSO<br>Act                      | 3 years RI   | Rs.1,000/-  | 6 months RI |
| 3.    | 11 (iv) r/w<br>12 of<br>POCSO<br>Act                       | 3 years RI   | Rs.1,000/-  | 1 month RI  |
|       |                                                            |              |             |             |



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|    |                                                |            |            |            |
|----|------------------------------------------------|------------|------------|------------|
| 4. | 332(c) of BNS r/w 3(2)(va) SC/ST (POA) Act     | 2 years RI | Rs.1,000/- | 1 month RI |
| 5. | 351(2) of BNS r/w 3(2)(va) SC/ST (POA) Act     | 2 years RI | -          | -          |
| 6. | 3(1)(w)(i) (2 counts) of SC/ST (POA) Act, 1989 | 3 years RI | Rs.1,000/- | 1 month RI |

As against the conviction and sentence imposed by the trial Court in Sessions Case No.02/2025 dated 03.11.2025, the petitioner has filed a Criminal Appeal through the Legal Aid Authority in CrI.A(MD)No.498 of 2026 and the same was admitted by this Court on 29.04.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that the petitioner had an love affair with the victim girl, who is aged about 16 years 11 months and



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tortured her to accept his love and also misbehaved with her. Hence, the case.

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3. The learned counsel for the petitioner submits that the petitioner was having an affair with the victim girl. P.W.1, the father of the victim girl, was the Panchayat President of the village and was opposed to their relationship. Therefore, with a view to preventing the petitioner from continuing the relationship with the victim girl, he has foisted a false complaint against him. The learned counsel further submits that according to the prosecution, the petitioner approached P.W.2, the victim girl, on 27.08.2024 while she was travelling to school in an autorickshaw and expressed his love for her. Thereafter, on 09.10.2024, he allegedly trespassed into her house, caught hold of her hand and kissed her on the cheek. Based on the complaint lodged by the third respondent, the present case was registered, investigated, and prosecuted. The learned counsel for the petitioner further submits that with reference to the evidence of P.W.13 who is the Investigating Officer, the investigating agency has not collected any material to establish the alleged first occurrence dated 27.08.2024. He pointed out that neither the



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autorickshaw driver nor the friends of the victim girl who travelled with her in the autorickshaw were examined during the course of the investigation to substantiate the allegation that any such incident took place on 27.08.2024. With regard to the second incident alleged to have occurred on 09.10.2024, the learned counsel for the petitioner drew the attention of this Court to the evidence of P.W.1, P.W.2, and P.W.11 and submitted that the third respondent had lodged a complaint before the respondent police on 10.10.2024 immediately after the occurrence. However, according to him, the first complaint has been suppressed and the respondent police proceeded with the investigation on the basis of a subsequent complaint and filed the final report in a mechanical manner. The learned counsel further submits that the petitioner is willing to abide by any condition that may be imposed by this Court. He also pointed out that the petitioner has filed an undertaking affidavit before this Court stating that he is prepared to stay away from the place of occurrence and will not visit the scene of occurrence during the pendency of the appeal.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner allegedly expressed his love



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to the victim girl on 27.08.2024 and also trespassed into the house of the victim girl and caught hold of her hand and kissed her on the cheek. The sister of the victim girl was also present at the time of the occurrence and was examined by the prosecution. Apart from that, on hearing the screaming sound, the neighbours visited the place of occurrence and found that the petitioner was running from the house. In addition to the evidence of P.W.2 and P.W.3, the neighbours have also supported the case of the prosecution. Hence, he prays for dismissal of this petition.

5. The learned counsel appearing for the third respondent submits that if the petitioner is released on bail, he would pose a danger to the prosecution witnesses, particularly to the victim girl. Hence, he opposes the suspension of sentence imposed on the petitioner by the trial Court.

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



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7. The petitioner claims that there was a love affair between the petitioner and the victim girl, which was objected by her father and therefore, a false case has been foisted against the petitioner. According to the prosecution on 27.08.2028, while the victim was travelling to school in an autorickshaw and the petitioner expressed his love for her. However, the prosecution has not collected any evidence by examining the autorickshaw driver and the friends who accompanied the victim girl on 27.08.2024 and the first complaint lodged by the victim's father has also been suppressed. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

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:-



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- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 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 stay at Chennai and report before the learned Judicial Magistrate No.I, Tambaram, daily at 10.30 a.m., until further orders.
- iv. The petitioner shall file an affidavit of undertaking before the respondent Police that he will not involve in any offence in future; will not disturb the victim's family; and will not visit the occurrence village, pending appeal.
- v. In the event, if the petitioner has violated any of the above



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conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

9. This Court places on record its appreciation to Mr.I. Romeo Roy Alfred, learned Legal Aid Counsel, who defended the case of the petitioner/accused in a need manner. The Secretary, Tamil Nadu Legal Services Authority, Madurai Bench of Madras High Court, is directed to pay a sum of Rs.10,000/- (Rupees ten thousand only) towards remuneration to the Legal Aid Counsel.

17.06.2026

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TO

1. The Sessions Court,  
Special Court for Exclusive Trial of Cases under POCSO Act,  
Dindigul.
2. The Deputy Superintendent of Police,  
Rural Sub Division,  
Dindigul District..
3. State of Tamilnadu Rep by  
Inspector of Police,  
Awps-Dindigul Rural,
4. The Superintendent,  
Central Prison,  
Madurai.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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B.PUGALENDHI,J

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ORDER  
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