



*CrI.MP(MD) No.7036 of 2026 in
CrI.A(MD) No.704 of 2022*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.7036 of 2026
in CrI.A.(MD)No.704 of 2022

Sulthan Mydeen

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
AWPS Palani,
Dindigul District.
Crime No.6 of 2019

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence and conviction dated 29.09.2022 passed by the learned Sessions Judge (Mahila Court), Dindigul, in S.C.No.90 of 2020 and enlarge the petitioner pending disposal of the appeal.

For Petitioner : Mr.E.Somasundaram

For Respondent : Mr.A.Robinson,
Counsel for State of TN



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ORDER

The petitioner, an accused in S.C.No.90 of 2020, on the file of the learned Sessions Judge (Mahila Court), Dindigul was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	417 IPC	1 year RI	Rs.3,000/-	2 months SI
2	376(2)(n) of IPC	10 years RI	Rs.10,000/-	6 months SI

As against the conviction and sentence imposed by the trial Court in S.C.No.90 of 2020, dated 29.09.2022, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.704 of 2022 and the same was admitted by this Court on 03.11.2022. Earlier, the petitioner has filed three applications for grant of suspension of sentence in Crl.M.P.(MD)Nos.13186 of 2022, 8333 of 2026 and 11792 of 2024 and the same were dismissed on 07.11.2022, 20.06.2023 and 06.11.2024 respectively. Now, the petitioner has moved this fourth application to suspend the sentence imposed on him by the trial Court.

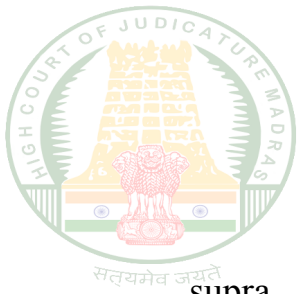


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2. The case of the prosecution is that the petitioner forcibly had physical relationship with the victim several times, due to which, the victim girl conceived. When the victim informed the same to the petitioner, he threatened to kill her if she disclosed the incident to anyone.

3. The learned counsel appearing for the petitioner submits that the defacto complainant was aged about 28 years at the relevant point of time and she was residing adjacent to the petitioner's house. The petitioner is a married man having two children. The defacto complainant, knows everything and she has also admitted the same in her evidence. While so, the defacto complainant has stated that the petitioner by promising to marry had physical relationship with her. According to him, when the petitioner was already married, there is no possibility of giving assurance for marriage and that if any sexual relationship was there, it would be consensual. He also submits that the complaint was lodged on 24.05.2016 and the date of occurrence has been projected as five months prior to the date of complaint. The complaint is a delayed one and there is no symptoms of rape. Only on the statement made by PW1, the Trial Court has found the petitioner guilty, convicted and sentenced him as stated



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supra. According to the learned counsel, the petitioner is in jail from the date of conviction i.e. on 29.09.2022 and he was also in jail from 24.05.2019 to 10.08.2019 and therefore, he was in jail for more than a period of 3 years and 6 months. The learned counsel therefore seeks for grant of suspension of sentence.

4. The learned counsel for State of TN appearing for the respondent opposes this petition that this petitioner with a dishonest intention has made a false promise to the victim that he would marry her, induced her to accompany him to a secluded place situated behind the shop against her wish and without free and voluntary consent of the victim, had sexual intercourse. He has also repeated the offence and therefore, the victim conceived and was five months pregnant at the time of complaint. When the victim informed the petitioner about the pregnancy, the petitioner threatened to kill her, if she discloses the incident to anyone. PW1 / victim has delivered a baby, but that was born dead. DNA test was conducted and that revealed this petitioner is the biological father of the child. Therefore, according to the counsel, the prosecution has established the case beyond reasonable doubt.



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

6. PW1 / victim in this case is 28 years old. She is a neighbour of the petitioner / accused. She knows very well that this petitioner is a married man. However, her allegation is that by promising to marry, the petitioner had relationship with her. 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.

7. 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:-

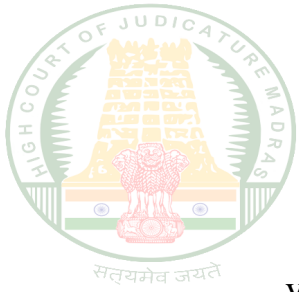


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- i. The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (Mahila Court), Dindigul.
- ii. The petitioner and the sureties shall 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 report before the learned Sessions Judge (Mahila Court), Dindigul, on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future and that the petitioner will not disturb the victim, pending appeal.



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v. 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.

18.06.2026

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To

1.The learned Sessions Judge (Mahila Court),
Dindigul.

2.The Inspector of Police,
AWPS Palani,
Dindigul District.

3.The Superintendent,
Central Prison, Trichy.

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



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B.PUGALENDHI, J.,

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