



Crl.M.P.(MD)No.6709 of 2025

in Crl.A.(MD)No.610 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

CORAM

**THE HONOURABLE MR JUSTICE B.PUGALENDHI**

**Crl.M.P.(MD)No.6709 of 2025**

**in Crl.A.(MD)No.610 of 2025**

Adaikalasamy

... Petitioner

versus

State of Tamil Nadu, Rep. by  
The Inspector of Police,  
Natham Police Station,  
Dindigul.  
(in Cr.No.619 of 2019)

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed upon the petitioner in the Judgment in Spl.S.C.No.29 of 2023 dated 20.12.2023 by the learned Sessions Judge (Special Court for Exclusive Trial of POCSO Act Cases), Dindigul, pending disposal of the criminal appeal.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.S.Prakash,  
Government Advocate (Crl. Side)



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in Crl.A.(MD)No.610 of 2025

## **ORDER**

The petitioner is the sole accused in Spl.S.C.No.29 of 2023 on the file of the learned Sessions Judge (Special Court for Exclusive Trial of Cases under POCSO Act cases), Dindigul. He was tried for the offence under Section 363 IPC and Sections 5(l), 5(j)(ii) r/w. Section 6 of POCSO Act, 2012. After the trial, the trial Court, by its Judgment dated 20.12.2023, found the petitioner guilty for the offence under Sections 363 IPC and Section 6 of POCSO Act 2012, convicted and sentenced him as under:

| Sl.No | Sections       | Punishment                     | Fine amount | Default                      |
|-------|----------------|--------------------------------|-------------|------------------------------|
| 1.    | 363 IPC        | One year rigorous imprisonment | Rs.1000/-   | 3 months simple imprisonment |
| 2.    | 6 of POCSO Act | 20 years rigorous imprisonment | Rs.2000/-   | One year simple imprisonment |

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.610 of 2025 and the same was admitted by this Court on 02.07.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



Crl.M.P.(MD)No.6709 of 2025

in Crl.A.(MD)No.610 of 2025

2. The case of the prosecution is that the petitioner is a married man, deserted his wife and was living alone. At that time, he had developed intimacy with the victim girl aged about 15 years, induced her and taken her to Vellankanni and tied thalli in a Pillayar temple. Thereafter, they went to Thiruppur and Udumalaipettai, where, they lived together and had sexual relationship. Hence, the case.

3. The learned counsel appearing for the petitioner submits that at the time of occurrence, the victim girl was aged about 18 years, however, based on the school certificate, without any proof, the prosecution agency has mentioned the age of victim girl as 15 years and therefore, the petitioner has been charged for the offence under Sections 5(l), 5(j)(ii) r/w. Section 6 of POCSO Act, 2012. According to the learned counsel, it is a case of love affair. Now, the victim girl has married another man. Since the petitioner is languishing in jail for the past 2 years and 11 months, he seeks to suspend the sentence imposed by the trial Court.

4. Heard the learned Government Advocate (Crl. Side).



Crl.M.P.(MD)No.6709 of 2025

in Crl.A.(MD)No.610 of 2025

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5. Considering the period of incarceration and also considering the fact that it is a case of love affair and the appeal could not be taken up for final hearing for want of time, this Court is inclined to suspend the sentence with conditions.

6. 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 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 POCSO Act cases), Madurai.

(ii) The petitioner shall stay at Udumalpet and appear before the Inspector of Police, Udumalpet Police Station, daily at 10.30 a.m. until further orders.

**24.03.2026**

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To

1. The learned Sessions Judge,  
(Special Court for Exclusive Trial of POCSO Act Cases)  
Madurai.
2. The Superintendent,  
Central Prison, Madurai.
3. The Inspector of Police,  
Natham Police Station,  
Dindigul.
4. The Inspector of Police,  
Udumalpet Police Station  
Udumalpet.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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Crl.M.P.(MD)No.6709 of 2025

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**B.PUGALENDHI, J.**

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**Crl.M.P.(MD)No.6709 of 2025**

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