



CrIMP(MD)No.8588 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.8588 of 2026
in
Crl A(MD)No.466 of 2026**

Abdul Majeeth

...Petitioner

Vs

**State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Pudukkottai.
[Crime No.6 of 2024]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed in SplSC.No.39 of 2024 on the file of the Sessions Judge [Mahila Court], Pudukkottai dated 08.04.2026 and enlarge the petitioner / appellant on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Deenadhayalan

**For Respondent : Mr.A.Robinson,
Government Advocate**



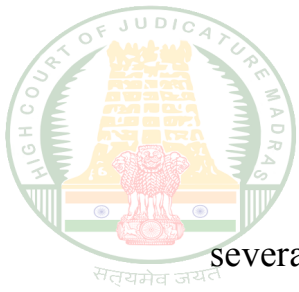
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ORDER

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The petitioner is the sole accused in SplSC.No.39 of 2024 on the file of the Sessions Judge [Mahila Court], Pudukottai. By judgment dated 08.04.2026, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.10,000/-, in default to undergo 3 months imprisonment for the offence under Section 9(e) r/w Section 10 of the POCSO Act, and sentenced to undergo 1 year rigorous imprisonment with a fine of Rs.1,000/-, in default to undergo 1 month imprisonment for the offence under Section 127(2) of BNS. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.466 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 22.04.2026.

2.The learned counsel for the petitioner submits that the occurrence is said to have taken place on 28.07.2024 at about 11.00am, but the complaint has been lodged with delay, on 29.07.2024. The signature of the petitioner in the complaint and FIR differs and it has also been admitted by the PW1 in the cross examination. There are



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several factual contradictions in the evidence of PW1. He further submits that as per the prosecution case, PW1 had informed the incident to her mother PW2 over phone, but the phones are not recovered. The call detail records and CCTV footages have not been recovered by the police. There are several contradictions between the complaint and the evidence of the PW1. The presumption under Section 29 and 30 of the POCSO Act is not applicable to this case as the prosecution has not made out any prima facie case.

3.The learned counsel further submits that the accused has entered the witness box and deposed about the manner which the case has been foisted. He was examined as DW5. He also produced 4 witnesses on his side, marked Ex.D1 to Ex.D6 and also produced MO1 to MO3, CCTV footage, CDR with details. Since there was dispute with regard to the settlement of the bills by the victims brother for the treatment taken by him in the petitioner's clinic, this case has been foisted. He also submits that the petitioner is in jail from the date of conviction. He is a Doctor by profession and a respectable person in the society.



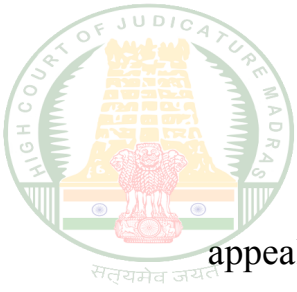
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4.The learned Government Counsel submits that the victim girl in this case has taken treatment in the petitioner's clinic. The petitioner taking advantage of the same, has kissed her on lips in his clinic. Immediately she rushed to the Receptionist and reported the same to her mother. Thereafter the complaint was lodged on the next day. Though the petitioner has attributed motive that there was a dispute with regard to the settlement of the bill amount by the victim's brother, nothing has been proved during the trial. Therefore, the learned Government Counsel submits that the evidence of the PW1 has not been shattered and the trial court has rightly convicted the petitioner.

5.This court has considered the rival submissions made.

6.The petitioner is a Doctor by profession and the victim girl has taken treatment in the petitioner's clinic. The petitioner claims that there was a dispute between the petitioner and the victim regarding settlement of money for having taken treatment and on account of that this case has been foisted. The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However



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appeal could not be taken up immediately for final hearing. Considering the period of incarceration and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the Sessions Judge, [Mahila Court], Pudukottai.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, will not visit the occurrence place, pending the appeal.

(iii) The petitioner shall stay at Chennai and report before the R8 Vadapalani Police Station, daily at 10.30am.



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(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

16.06.2026

DSK

To

1. The Sessions Judge [Mahila Court],
Pudukottai.
2. The Inspector of Police,
All Women Police Station,
Pudukkottai
3. The Superintendent,
Central Prison,
Tirhcy.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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