



Crl.M.P.(MD)No.8544 of 2026

in Crl.A.(MD)No.1373 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.8544 of 2026

in Crl.A.(MD)No.1373 of 2025

Christopher Alphonse

... Petitioner

versus

State of Tamil Nadu, rep. by
Inspector of Police,
Cantonment All Women Police Station,
Trichy District.

... Respondent

Petition filed under Section 430(1) BNSS, to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Trichy District, in Special Sessions Case No.103/2020 by Judgment dated 25.11.2025 and enlarge the petitioner/appellant on bail, pending disposal of the above said Criminal Appeal.

For Petitioner : Mr.T.J.Ebenezer Charles

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Special Sessions Case No.103 of 2020 on the file of the learned Sessions Judge, Mahila Court, Trichy. He was tried for the offence under Sections 294(a) IPC, 3(a)(b)(c), 14(1), 15(1), 15(2) of POCSO Act and 67(A), 67(B), 67(B)(a), 67(B)(b) of the Information Technology Act that he watched child pornography and also transmitted it in his facebook account. After the trial, the trial Court, by its Judgment dated 25.11.2025, found the petitioner guilty for the offence under Sections 67(A), 67(B)(a) of the Information Technology Act and Sections 15(1) and 15(2) of POCSO Act and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	67(A) IT Act	3 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
2.	67(B)(a) of IT Act	3 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
3.	15(1) of POCSO Act	-	Rs.5,000/-	Six months simple imprisonment
4.	15(2) of POCSO Act	2 years rigorous imprisonment	-	-



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Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1373 of 2025 and the same was admitted by this Court on 02.01.2026. Along with this appeal, the petitioner has already moved a petition in Crl.M.P.(MD)No.20408 of 2025 seeking to suspend the sentence and the same was dismissed as withdrawn by order dated 09.04.2026. This is the second petition moved by the petitioner on the ground that he has already completed a substantial portion of imprisonment.

2. The learned counsel appearing for the petitioner submits that the petitioner, without knowing the consequences, watched the child pornography and also transmitted the same to his facebook account. Now, the petitioner has realized his mistake and also undertakes that he will not repeat this offence in future. The learned counsel further submits that the petitioner was detailed under Act 14/1982 and he was in jail for 8 months during the trial and after the conviction, he surrendered before the trial Court on 28.01.2026 and he is in jail for the past three months. According to him, the imprisonment is only for a period of three years and he has already completed a substantial portion of the imprisonment. Therefore, he seeks to suspend the sentence imposed by the trial Court.



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3. The learned Government Advocate (Crl. Side) opposed this petition stating that the petitioner is in the habit of doing the same offence. The facebook itself has found this mischief and blocked his account. Even thereafter, the petitioner has opened another account and has committed the same mischief. According to him, in the event, if the petitioner is released on bail, he would be indulging in similar offence and polluting the society by spreading the child pornography.

4. Considering the fact that the petitioner has already completed the substantial portion of imprisonment, this Court suggested the petitioner to produce some respectable persons as sureties to ensure that he will not repeat this offence again in future.

5. The learned counsel for the petitioner has also filed an affidavit of one Mr.J.Amaladoss, S/o.Jesudoss, who is working as a Teacher in the Government Aided School, namely, St. Xavier Higher Secondary School, Trichy that he is prepared to stand as a surety for release of the petitioner and for his future conduct. Similarly, another person, one Mr.D.A.Barathi, S/o.Devanesan, who is



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also working as a Teacher in the Panchayat Union Middle School, Sellipalayam, Trichy, has also agreed to stand as a surety for release of the petitioner and also for his future conduct.

6. Considering the fact that the period of imprisonment is only for three years and the petitioner has already completed a substantial portion of imprisonment and also considering the affidavit filed by two respectable government servants as stated above, this Court is inclined to suspend the sentence with certain conditions.

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:

(i) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees two lakh only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Trichy. The sureties shall be Mr.J.Amaladoss and Mr.D.A.Barathi, who filed an affidavit before this Court.

(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



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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 sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in similar offence or any other offence in future and he will be available during the appeal proceedings.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(v) The petitioner shall appear before the respondent Police once in a week, i.e. on every Monday at 10.30 a.m. until further orders and also file an affidavit that he will not indulge in similar offence or any other offence in future and he will be available during the appeal proceedings.

(vi) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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To

1. The learned Sessions Judge,
Mahila Court,
Trichy.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Cantonment All Women Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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