



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.06.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.M.P(MD)No.6493 of 2025

in

Crl.A.(MD)No.453 of 2025

Arockiya Jeen

... Petitioner

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Colachal,
Kanyakumari District.
Crime No. 45/2019.

... Respondents

This petition filed under Section 430 of BNSS 2023, seeking to suspend the sentence imposed on the petitioner by Judgment dated 17.03.2025 made in Spl.S.C.No. 67/2020 by the learned Sessions Judge, Special Court for the Exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil, pending disposal of the appeal.

For Petitioner : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.K.Althaf Sheriff



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

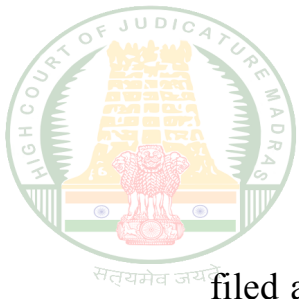
WEB COPY For Respondent : Mr.A.Robinson,
Counsel for State of Tamil Nadu (Crl. side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.67 of 2020 on the file of the learned Sessions Judge, Special Court for the Exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil. He was tried for the offence under Section 450 IPC and Section 3(b) r/w. 4 of POCSO Act. In conclusion of trial, the trial Court, by its Judgment dated 17.03.2025, convicted the petitioner for the offence under Section 450 IPC and Section 3(b) r/w. 4 of POCSO Act and convicted and sentenced him as under:

Sl. No	Sections	Punishment	Fine amount	Default
1.	450 IPC	5 years rigorous imprisonment	Rs.1,000/-	Six months simple imprisonment
2.	3(b) r/w. 4 of POCSO Act	10 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has



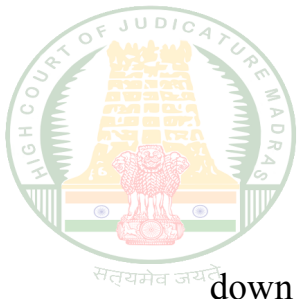
Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

WEB COPY

filed a Criminal Appeal in Crl.A.(MD)No.453 of 2025 and the same has been admitted by this Court on 17.04.2025. Thereafter, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned Senior Counsel appearing for the petitioner submits that the allegation in the complaint is that when the victim girl was sleeping in her home along with her sister, the petitioner trespassed into the home and inserted his finger in her vagina. The victim girl was said to have raised alarm and the accused fled away from the occurrence place. The occurrence said to have taken place on 30.11.2019 at early hours. The complaint was lodged around 11.30 a.m. However, in the First Information Report, a different version has been stated that the petitioner rubbed her hand and she woke up and raised alarm. The allegation that he inserted his finger in her vagina has not been stated in the FIR.

3. The learned Senior Counsel has also drawn the attention of this Court to the evidence of Doctor and submits that the Doctor has not noted down any injury on the private part of the victim girl and has noted



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

WEB COPY

down that hymen was intact. Therefore, the learned counsel submits that the complaint has been lodged with a developed version and the main allegation has not been stated in the FIR, ie. in the initial document.

4. The learned Counsel for State of Tamil Nadu (Crl. Side) submits that the occurrence had taken place on 30.11.2019 at early hours and it has been reported on the same day. The victim girl has stated about the occurrence before the Judicial Magistrate, when she was examined under Section 164 Cr.P.C. and also during the evidence. Apart from this, trespass made by the petitioner has been witnessed by P.W.3 to P.W.6. Therefore, according to him, the prosecution has established its case.

5. This Court considered the rival submissions made.

6. The petitioner has been convicted that he trespassed into the house of the victim girl during night hours and inserted his finger in her private part. However, a different version has been stated in the FIR. The statement under Section 164 Cr.P.C. was recorded on 12.12.2019. The victim girl was produced before the Doctor on 23.12.2019. The



CrI.M.P(MD)No.6493 of 2025
in CrI.A.(MD)No.453 of 2025

WEB COPY

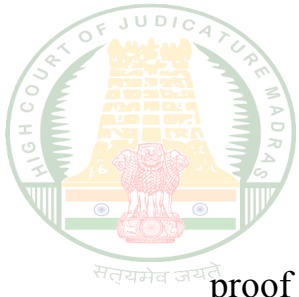
Doctor-P.W.10, who examined the victim girl, has stated that hymen was intact.

7. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal, however, the appeal could not be taken up for final hearing immediately for want of time. It is reported that the petitioner is in jail from 17.03.2025, ie. more than one year.

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:

(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 Cases under POCSO Act, Kanyakumari at Nagercoil.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

WEB COPY

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 not misuse the liberty granted to him by indulging in any further offence.

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

(v) The petitioner shall file an affidavit before the respondent Police that he shall not visit the occurrence village and not disturb the victim girl and her family at any point of time.

(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.

10.06.2026

ogy



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

WEB COPY

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act,
Kanyakumari at Nagercoil.
2. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.
3. The Inspector of Police,
All Women Police Station,
Colachal,
Kanyakumari District.
4. The Inspector of Police,
Peelamedu Police Station,
Coimbatore.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.M.P(MD)No.6493 of 2025
in Crl.A.(MD)No.453 of 2025

B.PUGALENDHI, J.

ogy

Crl.M.P(MD)No.6493 of 2025
in
Crl.A.(MD)No.453 of 2025

10.06.2026