

CrIMP(MD)No.9551 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.9551 of 2026
in
Crl A(MD)No.523 of 2026**

Alagar

...Petitioner

Vs

**State of Tamil Nadu rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
[Crime No.60 of 2021]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai in SplSC.No.31 of 2021, dated 07.04.2026 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.R.Mariappan

For Respondent :



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ORDER

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The petitioner is the sole accused in Crime No.60 of 2021 on the file of the Thiruppuvanam Police Station. He was prosecuted before the Principal Special Court for Trial of Cases under the POCSO Act, Sivagangai in Spl.SC.No.31 of 2021 for the offence under Sections 450, 326, 354D(1)(ii) and 506(ii) of IPC and Section 7 r/w 8 of the POCSO Act. The trial court by its judgment dated 07.04.2026 found him guilty for the offence under Section 326 IPC, convicted and sentenced him to undergo 3 years rigorous imprisonment with a fine of Rs.2,000/-, in default to undergo 1 month simple imprisonment. The trial court has acquitted the petitioner of the other charges.

2.Since the sentence of imprisonment is three years, the trial court has suspended the sentence for a period of one month from the date of conviction ie., 07.04.2026 enabling him to file an appeal. The appeal has been filed on 24.04.2026. However, the same has been admitted by this court on 01.06.2026. The petitioner along with the appeal has moved this petition to suspend the sentence and it was listed for hearing on 01.06.2026. On that day the learned Government counsel has pointed out



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that the petitioner has not surrendered, even after expiry of the time granted by the trial court.

3.The trial court has suspended the sentence upto 07.05.2026. The petitioner has not prosecuted the application prior to 07.05.2026. Therefore, this court was not inclined to entertain this petition and directed the petitioner to surrender on or before 02.06.2026. It is now reported that the petitioner has surrendered and he is in central prison, Madurai.

4.Heard the learned counsel on either side.

5.The case of the prosecution is that on 08.02.2021 at about 6.00pm when the victim girl was alone in her home, the petitioner had trespassed, caught hold of her hands, proposed love and caused injuries with a beer bottle. The victim girl had suffered injury, taken treatment in an eye hospital and on the complaint, the police have registered a case and filed a final report as stated supra.



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6.The petitioner claims that no such occurrence had taken place.

However, the victim girl has stated that the petitioner has broken a liquor bottle and attempted to stab her and it caused injury on her eyes.

7.Though the petitioner has been prosecuted for the offence under the POCSO Act also, the trial court has acquitted him of the charges under the POCSO Act and he has been convicted under Section 326 IPC that he had caused injury with a broken liquor bottle. However the said bottle has not been recovered from the place of occurrence and marked as a material object.

8.The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However appeal could not be taken up immediately for final hearing. Considering the period of sentence and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.

9.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending



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disposal of the criminal appeal on the following conditions:

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(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 Principal Special Court for Exclusive trial of cases under POCSO Act Cases, Sivagangai.

(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.

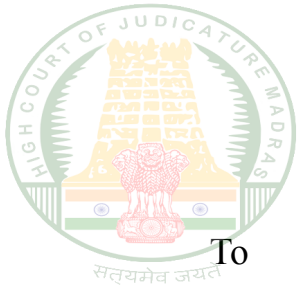
(iii) The petitioner shall stay at Tiruppur and report before the Inspector of Police, Central Police Station, Tiruppur daily at 10.30am.

(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.

15.06.2026

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To

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The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

2.The Superintendent,
Central Prison,
Madurai.

Copy to

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

2.The Inspector of Police,
Central Police Station,
Tiruppur.



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B.PUGALENDHI.J.,

DSK

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