



Crl.MP(MD) No.15474 of 2025 in
Crl.A(MD) No.1145 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.15474 of 2025

in

Crl.A(MD) No.1145 of 2025

Thangavel

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Karur District.
Crime No.32 of 2022

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in Spl.S.C.No.51 of 2022, dated 13.03.2023, on the file of the Additional Sessions Judge, Karur and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.E.Somasundaram
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.51 of 2022, on the file of the Additional Sessions Judge, Karur. He was tried for the offence under Section 366 and 506(i) IPC r/w Section 6 of POCSO Act, 2012 that he has sexually abused the victim girl aged about six years. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	10 years Rigorous imprisonment	Rs.1000/-	One year simple imprisonment
2.	506(i) IPC	2 years imprisonment	Rs.1000/-	One year simple imprisonment
3.	Section 6 of POCSO Act, 2012	20 years Rigorous imprisonment	Rs.1000/-	One year simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.51 of 2022, dated 13.03.2023, the petitioner has filed a



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Criminal Appeal in Crl.A(MD) No.1145 of 2025 and the same was admitted by this Court, by order, dated 30.10.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submitted that neither the victim girl nor her parents has lodged the complaint. The petitioner had a dispute with the father of the victim girl that he has taken the cylinder belonging to the petitioner. With regard to this issue, there was a panchayat and thereafter, the cylinder was returned. After 15 days from the date of this incident, a complaint has been lodged as if this petitioner has misbehaved with the victim girl. The learned counsel submits that there was a delay of two months in lodging the complaint and 17 days delay in examining the victim child under Section 164 of Cr.P.C. According to the learned counsel, the author of the complaint was not examined before the trial Court. The learned counsel has pointed out that this petitioner is in jail for a



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period of three years and ten months. He suffered paralytic attack and now he is undergoing treatment at Government Hospital, Trichy. Therefore, he may be considered for grant of suspension of sentence.

3.Considering the above submission made by the learned counsel for the petitioner, this Court, by its order, dated 01.04.2026 directed the learned Government Advocate (Crl.side) to ascertain as to whether this petitioner has suffered with any paralytic attack.

4.The learned Government Advocate(Crl.side) on verification confirms the same. According to the learned Government Advocate (Crl.side), the petitioner abused the victim child aged about seven years. However, he has fairly conceded that neither the victim nor the father of the victim has lodged any complaint. The petitioner has disclosed the incident under the influence of alcohol. Thereafter, through child helpline, the case was registered. Therefore, there is some delay in reporting the incident and also examining the victim



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child under Section 164 of Cr.P.C., The prosecution has established its case before the trial Court and the trial Court has also rightly convicted this petitioner. Therefore, this petition is liable to be dismissed.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the criminal appeal. However the appeal could not be taken up immediately, for want of time. It is reported that the petitioner has suffered with paralytic attack and taking treatment in the Government hospital. That apart, this petitioner has already undergone imprisonment for 3 years and 10 months in prison. Considering his period of incarceration, his medical condition, and that the appeal could not be taken up immediately, this court is inclined to suspend the sentence imposed on him. However, considering the objection raised by the learned Government Advocate



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(Crl.side), this Court imposes certain stringent conditions on the petitioner.

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 a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, Karur.
- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner would not visit the occurrence village pending the appeal, would not disturb the victim child



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and her family and also he would be available during the final hearing of the appeal. The petitioner shall also file an affidavit to that effect.

iii. The petitioner shall stay at Madurai and report before the Inspector of Police, Oomachikulam Police Station, Madurai daily at 10.30 a.m, until further orders.

iv. 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.

06.04.2026

Index : Yes/No
Internet : Yes/No
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To

- 1.The Additional Sessions Judge, Karur.
- 2.The Inspector of Police,
All Women Police Station,
Karur District.
- 3.The Inspector of Police,
Oomachikulam Police Station, Madurai
- 4.The Superintendent,
Central Prison,
Trichy.



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B.PUGALENDHI, J.,

vrn

Order made in
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