



**CrIMP(MD)No.6869 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 17.06.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**CrIMP(MD)No.6869 of 2025  
in  
Crl A(MD)No.627 of 2025**

**Sekar**

**...Petitioner**

**Vs**

**State of Tamil Nadu rep by  
the Inspector of Police,  
Sakkottai Police Station,  
Sivagangai District.  
[Crime No.2 of 2027]**

**... Respondent**

**PRAYER:** Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence passed by the Principal POCSO Court, Sivagangai in SplSC.No.46 of 2018, dated 27.03.2025, enlarge the petitioner / accused on bail pending disposal of the above criminal appeal.

**For Petitioner : Mr.N.Mohideen Basha**

**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.46 of 2018 on the file of the Principal Special Court for Exclusive Trial under POCSO Act Cases, Sivagangai. By judgment dated 27.03.2026, the petitioner was found guilty, convicted and sentenced to undergo 7 years rigorous imprisonment with a fine of Rs.2000/-, in default to undergo 3 months simple imprisonment for the offence under Section 9(m) r/w Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.627 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 10.03.2026.

2.The learned counsel for the petitioner submits that the petitioner is in jail from 27.03.2025 for more than 14 months. On 02.05.2026, the petitioner fell ill and therefore, he was referred to the Government Rajaji Hospital, Madurai, wherein, he was treated as an inpatient upto 17.05.2026 for urine kidney track infection and for low hemoglobin counts. He is still under treatment in the prison hospital.



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3.The learned counsel further submits that there is a delay in lodging the complaint. The complaint was neither written by the complainant nor by her husband, but by a stranger, who has not been examined. PW-5/ the grandfather of the victim has stated that the Inspector of Police / PW13 only wrote the complaint. He further submits that the victim has stated that the occurrence had taken place when she was young and she does not remember the same. The prosecution has not examined any independent witness from the occurrence place and also the chemical analyst, to prove Ex.P13. The petitioner was present in the police station immediately after the complaint and PW4, who had attested the confession statement of the petitioner, has turned hostile. Further the grandfather of the victim and the petitioner were not in talking terms. Therefore, this case was foisted as against the petitioner.

4.The learned Government counsel appearing for the respondent police submits that the victim girl was 9 years old at the time of occurrence and the petitioner lured the victim by giving chocolate, took her to his house and the petitioner lying on the bed, asked the victim to press his hands, legs and also to press his private part and the sperm of



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the petitioner splashed on the dress of the victim. The prosecution has established its case beyond reasonable doubt. Therefore, the learned Government Counsel opposed this petition in view of the nature of the offence and the period of sentence imposed on the petitioner.

5.At this stage, the learned counsel for the petitioner pleaded for interim bail on medial grounds that the petitioner is in critical condition since both his legs are swollen. Considering this submission of the petitioner, this court by order 10.06.2026 directed the learned Government Counsel to ascertain the condition of the petitioner from the prison authorities. The Assistant Civil Surgeon, Central Prison, Madurai has submitted a report that both legs of the petitioner were swollen and he was referred to Government Rajaji Medical Hospital, Madurai for treatment on 28.05.2026. All necessary tests were taken including ultra sound abdomen and pelvis, CT chest and CT abdomen. This petitioner was diagnosed with adult onset nephrotic syndromes. He was suggested for renal biopsy test to rule out renal carcinoma, however, the petitioner refused to undergo the test and therefore, he was advised to take oral steroids and other supportive drugs.



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6.This court has considered the rival submissions made.

7. Considering the nature of allegations and the period of sentence imposed on the petitioner, this court is not inclined to suspend the sentence. However, considering the report of the Assistant Civil Surgeon, Central Prison, Madurai dated 14.06.2026 on the health condition of the petitioner, this court is inclined to grant bail to the petitioner for a period two months. ie., from 18.06.2026 to 17.08.2026, enabling him to take treatment with the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing 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 Principal Special Court for Exclusive Trial under POCSO Act Cases, Sivagangai and the sureties must be respectable persons in the society.

(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 during this period.



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(iii) The petitioner shall stay at Coimbatore and report before the Inspector of Police, Rathinapuri Police Station at 10.30 am on every Monday.

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

(v) The petitioner shall surrender before the Central Prison, Madurai on 18.08.2026.

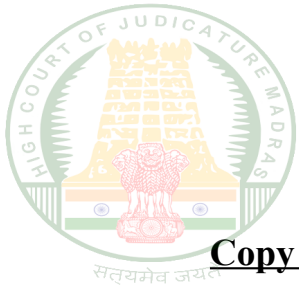
(vi) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

17.06.2026

DSK

To

1. The Principal Special Court for  
Exclusive Trial under POCSO Act Cases,  
Sivagangai.
2. The Inspector of Police,  
Sakkottai Police Station,  
Sivagangai District.
3. The Superintendent,  
Central Prison, Madurai.



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**Copy to**

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- 1.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 2.The Inspector of Police,  
Rathinapuri Police Station,  
Comibatore.



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**B.PUGALENDHI.J.,**

DSK

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