

CrIMP(MD)No.15596 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.15596 of 2025
in
CrIA(MD)No.1150 of 2025**

G.Prakash

...Petitioner

Vs

**The State of Tamil Nadu,
the Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
[Crime No.592 of 2020]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence passed in SplSC No.35 of 2020 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, dated 12.12.2022 pending disposal of the above said criminal appeal.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.S.Prakash,

Government Advocate



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ORDER

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The petitioner is sole accused in SplSC.No.35 of 2020 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and by judgment dated 12.12.2022, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with fine of Rs.5,000/- in default to undergo 6 months rigorous imprisonment for the offence under Section 361 r/w 363 of IPC and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.20,000/-in default to undergo 1 year rigorous imprisonment for the offence under Section 6 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.1150 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 28.10.2025.

2.The learned counsel for the petitioner submits that the petitioner and the victim loved each other. On knowing this the parents of the vicim decided to marry off the victim and therefore, the victim has compelled the petitioner to take her along with the petitioner. Only on the



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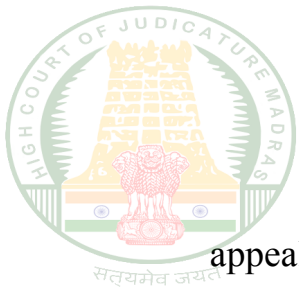
compulsion of the victim, the petitioner had taken her along with him.

According to the learned counsel, there is no physical relationship between them. However, the petitioner has been prosecuted and convicted. There are contradictions in the victim's statements and one Gunasekaran on whose house the petitioner and the victim stayed, has not been examined. He further submits that the petitioner is in jail from 15.06.2020 nearly for six years.

3.The learned Government Advocate appearing for the respondent submits that the victim was aged about 17 years at the time of occurrence and the petitioner was aged about 22 years. He further submits that it is a case of love affair.

4.This Court considered the rival submissions made.

5.Admittedly it is a case of love affair. It is claimed that there is no physical relationship. The petitioner has raised certain arguable points which can be appreciated during final hearing of the appeal. However, the appeal could not be taken up for want of time. Considering that the



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appeal could not be taken up immediately for want of time and the petitioner's period of incarceration this court is inclined to allow this petition.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for 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, Thanjavur.

(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 and pending this criminal appeal, he will not visit the occurrence village and will not disturb the victim.

(iii) The petitioner shall stay at Chennai and report before the Inspector of Police, S1. Saint Thomas Mount Police Station, Chennai daily at 10.30am.



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(iv) If there is any change in the residence address of the petitioner, the same 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.

24.04.2026

DSK

To

- 1.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
- 2.The Sessions Judge,
Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur.
- 3.The Superintendent,
Central Prison,
Trichy.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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