



CRL MP(MD). No.9865 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/06/2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

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Raja

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Awps-Lalgudi,
Tiruchirappalli District.
(In Crime No.30/2022).

... Respondent

RAYER :- Petition filed under Section 430(1) of BNSS, to Suspend the Sentence imposed in judgment dated 20.01.2026 made in Spl.S.C No. 159 of 2022 on the file of the Learned Sessions Judge, Mahila Court, Thiruchirappalli and enlarge the petitioner on bail.

For Petitioner : Mr.D.S.Haroon Rasheed,

For Respondent : Mr.A.Rabinson,
Government Advocate (Crl.Side)



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ORDER

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The petitioner, an accused in Spl.S.C No. 159 of 2022, on the file of the Learned Sessions Judge, Mahila Court, Thiruchirappalli, was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	450 of IPC	10 years RI	Rs.5,000/-	6 months SI
2	Section 5(l), 5(j)(ii) r/w 6 (1) of POCSO Act, 2012	20 years RI	Rs.20,000/-	6 months SI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.159 of 2022, dated 20.01.2026, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.566 of 2026 and the same was admitted by this Court on 03.06.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that the petitioner developed acquaintance with the victim girl and during the month of September



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2021, misled the victim girl that he will marry her and forcibly committed penetrative sexual assault on her. The victim conceived and delivered a girl baby on 19.10.2022. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner was aged about 21 years and the victim girl was 15 years and 6 months old, on the date of occurrence. The learned counsel submits that the petitioner and the victim loved each other, had physical relationship, out of which, the victim girl conceived and delivered a girl baby. Hence, the case was registered against the petitioner, DNA test was taken, he was prosecuted and found guilty. According to him, without knowing the consequences, the petitioner and the victim girl had physical relationship. The learned counsel further submits that the petitioner is ready and willing to marry the victim girl. However, the parents of the victim did not agree for the same.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the victim girl was aged 15 years old, at the relevant point of time. This petitioner had sexually assaulted her and



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made her pregnant. DNA test was conducted and the results matched with this petitioner. Therefore, evidence is available to attract the offences under the POCSO Act. Hence, he objected to the suspension of the sentence.

5. In view of the submissions made by the learned counsel for the petitioner, this Court directed the learned Government Advocate (Criminal Side) to ascertain whether the victim girl still intends to marry the petitioner.

6. In response, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that the victim girl has stated that she is no longer willing to marry the petitioner.

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



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8. It appears that the petitioner was 21 years old and the victim girl was 15 years 6 months old, as on the date of the occurrence. Without knowing the consequences, they loved each other and the petitioner appears to have committed sexual assault on the victim girl. The petitioner is now willing to marry the victim girl, however, the victim and her parents did not agree for the same and the petitioner is in jail. The appeal could not be taken up for final hearing for want of time and since it is a case of Romeo and Juliet, this Court is inclined to suspend the sentence imposed on the petitioner.

9. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Thiruchirappalli.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the



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Government in 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 stay at Chennai and report before the learned Judicial Magistrate No.I, Tambaram, daily at 10.30 a.m., till the disposal of the appeal.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future; will not visit the occurrence village; and will not disturb the victim or her family members at any point of time.
- v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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17.06.2026



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TO

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1. The Sessions Court, Mahila Court,
Thiruchirappalli.
2. The Inspector of Police,
Awps-Lalgudi,
Tiruchirappalli District.
3. The Superintendent,
Central Prison,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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