



CrI.MP(MD) No.7732 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.7732 of 2025

in

CrI.A(MD) No.678 of 2025

Sujeevan @ Santhosh

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Ettayapuram Taluk
Thoothukudi District.

... Respondent

Prayer: Petition filed under Section 430 of BNSS, to suspend the sentence and conviction date 18.03.2025 passed in SSC No.49 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and grant bail to the petitioner pending disposal of the criminal appeal.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate



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ORDER

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The petitioner is sole accused in SSC.No.49 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and he was tried, found guilty, convicted and sentenced to undergo three years rigorous imprisonment with a fine of Rs.2000/- in default to undergo one month rigorous imprisonment for the offence under Section 363 IPC; sentenced to undergo six months rigorous imprisonment for the offence under Section 323 IPC and sentenced to undergo five years of rigorous imprisonment with fine of Rs.5,000/-, in default to undergo one month rigorous imprisonment for the offence under Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.678 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.

2.The learned counsel appearing for the petitioner submits that the petitioner is in jail from 18.03.2025 and during the trial he was in jail for one year. He further submits that the trial court has failed to note that no identification parade was conducted to identify the accused and there are



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contradictions among the witnesses in respect of the alleged occurrence.

It is a false case foisted as against the petitioner by obtaining complaint from the victim's father. Though the appeal has been admitted, it is not taken up for final hearing. Therefore, the learned Counsel prayed that the petitioner be enlarged on bail.

3.The learned Government Advocate appearing for the respondent submits that the trial court has considered all the points and has rightly convicted the petitioner.

4.This Court considered the rival submissions made and perused the material placed on record.

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately and the petitioner's period of incarceration, this Court was inclined to allow this petition. In order to ensure the safety of the victim child in this case, this court has suggested the petitioner to file an



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affidavit that he will not visit the occurrence village pending the appeal.

The petitioner has also filed an affidavit dated 13.03.2026 undertaking that he will reside in any place and he will not visit the occurrence place, pending appeal.

6. In view of the above 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

(ii) The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence.

(iii) The petitioner shall stay at Chennai, pending the appeal and report before the Inspector of Police, Kothawalchavadi, Police Station, Chennai daily at 10.30 am.



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(iv) 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.

17.03.2026

DSK

To

- 1.The Inspector of Police,
Ettayapuram Taluk
Thoothukudi District.
- 2.The Special Court for Exclusive
Trial of Cases under POCSO Act,
Thoothukudi.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai – 66.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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