



CRL MP(MD)No.9959 of 2026
in CRL A(MD)No.588 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.9959 of 2026
in
CRL A(MD)No.588 of 2026

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... Petitioner

Vs

1. The State, Rep. by
The Deputy Superintendent of Police,
Musiri Sub-Division,
Musiri Police Station
Crime No. 256 of 2025.

2. Senthil Kumar
(R2 is *suo motu* impleaded by
order dated 21.05.2026 in
Crl.A.(MD)No.588 of 2026)

... Respondents

This petition is filed under Section 430 and 483 BNSS, to suspend the sentence of imprisonment imposed on petitioner by judgment dated 07.05.2026 in Spl.S.C. No. 27 of 2025 for the alleged offences u/s. 296(b), 115(2), (2counts), and 351(2) of the BNSS, Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act on the file of the First



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Additional District and Sessions Judge (PCR), Tiruchirappalli, and
release to petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.R.Balakumar
For R1 : Mrs.V.Moushica,
Counsel for State of Tamil Nadu (Crl. Side)
For R2 : Mr.Senthil Kumar,
Party-in-person

ORDER

The petitioner is the sole accused in Spl.S.C.No.27 of 2025 on the file of the learned I Additional District Session Judge (PCR), Tiruchirappalli. He was tried for the offence 296(b), 115(2), 351(2) of BNS, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act 1989. After the trial, the trial Court, by its Judgment dated 07.05.2026, found the petitioner guilty for the offence under Section 296(b), 115(2) (two counts), 351(2) of BNS r/w. Section 3(2)(va) of SC/ST (POA) Act, Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and convicted and sentenced him as follows:



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Sl. No	Section	Punishment	Fine amount	Default
1.	296(b) BNS	-	Rs.1,000/-	One month simple imprisonment
2.	115(2) of BNS (two counts) r/w. Section 3(2) (va) of SC/ST (POA) Act	One year simple imprisonment for each count	-	-
3.	351(2) of BNS r/w. 3(2)(va) of SC/ST (POA) Act	Two years simple imprisonment	-	-
4.	3(1)(r) of SC/ST (POA) Act	One year simple imprisonment	Rs.1,000/-	One month simple imprisonment
5.	3(1)(s) of SC/ST (POA) Act	One year simple imprisonment	Rs.1,000/-	One month simple imprisonment
6.	Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act	Three years simple imprisonment	Rs.10,000/-	One month simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has



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filed the criminal appeal in Crl.A.(MD)No.588 of 2026. Along with the criminal appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submitted that the trial Court has found the petitioner guilty based on the sole evidence of the defacto complainant. According to him, none of the independent witnesses have been examined. The learned counsel also disputed the place of arrest from the available evidence. He further submitted that the accused has suffered injuries and taken treatment with the Doctor, who has been examined as P.W.6, however, the same has not been appreciated by the trial Court.

3. The learned Counsel for State of Tamil Nadu (Crl. Side) opposed this petition stating that the medical evidence has supported the case of the prosecution. She further submitted that the defacto complainant apprehends danger at the hands of the petitioner.



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4. Since the conviction has been imposed under the provision of SC/ST (POA) Act, this Court, by its order dated 21.05.2026, impleaded the defacto complainant as a party to this proceedings and ordered notice to the defacto complainant. However, he did not appear before this Court. Therefore, this Court directed the respondent Police to produce the defacto complainant before this Court. Today, the defacto complainant is present before this Court. When this Court ascertained the objection, if any from the defacto complainant, he apprehends danger at the hands of the petitioner.

5. Considering the rival submissions made, this Court suggested the learned counsel for the petitioner to file an undertaking affidavit that the petitioner would not disturb the defacto complainant. An affidavit of undertaking is also filed to that effect.

6. The petitioner has been convicted for a period of three years and the trial Court has suspended the sentence imposed on the petitioner till today. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal, however, the



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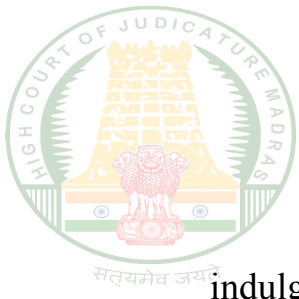
appeal could not be taken up immediately for want of time. Considering the points raised by the petitioner and the undertaking affidavit filed by the petitioner, this Court is inclined to suspend the sentence with certain conditions.

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 Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of learned I Additional District Sessions Judge (PCR), Tiruchirappalli.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the 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 not misuse the liberty granted to them by



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indulging in any further offence.

(iv) The petitioner shall appear before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

(v) The petitioner shall not disturb the defacto complainant at any point of time.

(vi) 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.

05.06.2026

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Note: Issue order copy on 09.06.2026

To

1. The First Additional District Session Judge (PCR),
Tiruchirappali.
2. The Deputy Superintendent of Police,
Musiri Sub-Division,
Musiri Police Station.

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B.PUGALENDHI, J.

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

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