



CrIMP(MD)No.10288 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.10288 of 2026
in
Crl A(MD)No.634 of 2026**

Jestin Stalin

...Petitioner

Vs

**State of Tamil Nadu,
the Inspector of Police,
AWPS Cantonment Police Station,
Tiruchirappalli District.
[Crime No.8 of 2022]**

... Respondent

PRAYER: Petition filed under Section 430(2) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed upon the petitioner in the Sessions Case No.8 of 2023 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli, Tiruchirappalli district dated 21.05.2026, pending disposal of the main criminal appeal.

For Petitioner : Mr.Thiruvadikumar A

**For Respondent : Mr.Sathurthi Raja,
Government Advocate**



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ORDER

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The petitioner is the sole accused in SC.No.8 of 2023 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli. By judgment dated 21.05.2026, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.5000/-, in default to undergo 3 months simple imprisonment for the offence under Section 7 r/w 8 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.634 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 05.06.2026.

2.The learned counsel for the petitioner submits that it is a case of love affair. The entire case of the prosecution rests upon the evidence of PW1 victim, wherein several contradictions and omissions are there. The PW2 to PW7 are relatives and hearsay witnesses and therefore, their evidence needs independent corroboration. In the absence of essential ingredient of sexual intent, the offence under Section 7 and 8 are not attracted. There is no documentary or electronic evidence to corroborate



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the allegation that the petitioner has taken photographs by joining their cheeks. He further submits that Ex.D1 to Ex.D10 show that it is the victim, who had expressed her love to the petitioner. Since the victim's family did not accept their love, the case has been foisted as against the petitioner. The trial court has rejected the authenticity and validity of Ex.D2 to Ex.D9, marked by the petitioner considering the bald denial of the victim, without giving an opportunity to the petitioner to establish the genuineness of the same.

3.The learned counsel further submits that the age of the victim has not been proved by the prosecution. The school certificate Ex.P5 cannot be considered as a document to prove the age of the victim in the absence of any credible material. He further submits that the allegations of intimidation of the victim, collecting her nude photos and sending them to their family members were rejected by the trial court that the prosecution has failed to prove the same. The petitioner was in jail from 19.05.2022 to 27.06.2023 and is in jail from 21.05.2026 till date.

4.The learned Government counsel appearing for the respondent police submits that the victim was 17 years at the time of occurrence.



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The petitioner has moved closely with the victim girl and made her to believe that he would marry her, taken some photographs with her and also induced to send her nude photographs. With the photographs, he has threatened the victim's family to marry off her to him. However, the trial court has disbelieved the evidence of forwarding the nude photos that there was no certification as required under Section 65(B) of the Indian Evidence Act. However, the petitioner has admitted that he has taken some selfie with the victim and he also marked the same as document.

5.This court has considered the rival submissions made.

6.Admittedly, it is case of love affair between the petitioner and the victim. The victim and the prosecution claim that the victim was 17 years. The learned counsel for the petitioner has disputed the same. The victim has taken some photos along with the petitioner and that is also placed before the trial Court. The petitioner is in jail for more than 1 year. Considering the period of incarceration, the period of sentence and the nature of allegation, this court is inclined to suspend the sentence imposed on the petitioner.



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7. Accordingly this petition is allowed on the following conditions:

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(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 learned Sessions Judge, Mahila Court, Tiruchirappalli.

(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 pending the appeal.

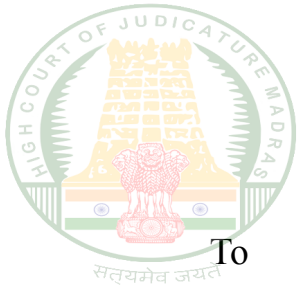
(iii) The petitioner shall stay at Thanjavur and report before the Inspector of Police, Thanjavur Town Police Station daily at 10.30am.

(iv) If the petitioner changes his residence, it 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.

24.06.2026

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To

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- 1.The Sessions Judge,
Mahila Court, Tiruchirappalli,
Tiruchirappalli district
- 2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
- 3.The Superintendent,
Central Prison,
Trichy.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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