

*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10872 of 2026
in Crl.A.(MD)No.660 of 2026

Sujithra

... Petitioner

Vs.

The Inspector of Police,
AWPS Keeranur,
Pudukottai District.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the execution of sentence by granting bail in Spl.S.C.No.43 of 2021, dated 18.05.2026, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai District, till the disposal of the Criminal Appeal.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. Side)

ORDER

The petitioner / A2 in Spl.S.C.No.43 of 2021, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai District was found guilty by the trial Court and was convicted and sentenced as under:-



*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

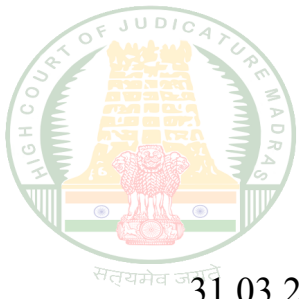
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Sl.No	Sections	Punishment	Fine amount	Default
1	11(4) r/w 12 of POCSO Act	3 years RI	Rs.10,000/-	3 months imprisonment
2	67(B) of IT Act	3 years RI	Rs.50,000/-	3 months imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.43 of 2021, dated 18.05.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.660 of 2026 and the same was admitted by this Court on 15.06.2026. 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 / A2 and other accused forced the victim girl to send nude photos to them and also intimidated and threatened her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner was in custody during the trial from 15.09.2021 to 14.10.2021. He further submits that the occurrence is alleged to have taken place on



*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

WEB COPY

31.03.2021 and that PW2 had subsequently sent her private photographs to the petitioner through Instagram on 01.04.2021. Though it is alleged that A1 threatened PW2 on 01.04.2021, the same was reported only on 22.04.2021 at about 10.00 hours. He further submits that the petitioner had contacted PW2 through Instagram and demanded her private photographs, which shows that there was continuous conversation between them; however, no chat records were placed before the Court to substantiate the same. He further submits that Ex.P21 reveals that the photographs were sent only on 07.04.2021 and 16.04.2021, after the cybercrime complaint, thereby contradicting the prosecution case that A1 had seen the photographs and threatened PW2 on 01.04.2021. He also submits that Ex.P21 is not in compliance with Section 65B(4) of the Indian Evidence Act, as the certificate was issued by the police officials themselves and not by the competent authority. He also adds that the petitioner was only aged about 19 years at the time of the occurrence.

4. The learned Government Advocate, in reply, submits that the victim girl is aged about 16 years. The victim had contacted the petitioner through Instagram. The petitioner by creating an impression that he would



*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

WEB COPY

help her in modelling activities, obtained private photographs of the victim girl and forwarded the same to A1. The petitioner repeatedly contacted the victim girl and insisted for more nude photos and intimidated the victim, as a result of which she lodged a complaint and a case has been registered. During the course of investigation, mobile phones have been recovered and marked before the Trial Court. Considering the nature and gravity of the allegations and the materials collected during investigation, she submits that this is not a fit case for suspension of sentence.

5. In reply, the learned counsel for the petitioner submits that there is no evidence available to prove that M.O.2 and M.O.3 mobile phones belonged to the accused persons.

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

7. 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



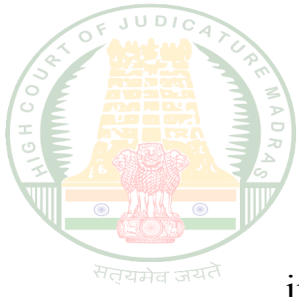
*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

WEB COPY

points raised by the petitioner and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

8. 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, Pudukkottai District.
- 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.



WEB COPY



*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

- iii. The petitioner shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily at 10.30 a.m., until further orders.
- 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 and that the petitioner will not meet the victim girl, pending disposal of the appeal.
- 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.

**15.06.2026
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*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

To

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- 1.The learned Sessions Judge,
Mahila Court, Pudukkottai District.
- 2.The Inspector of Police,
AWPS Keeranur,
Pudukottai District.
- 3.The Inspector of Police,
Flower Bazaar Police Station,
Chennai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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*Crl.MP(MD) No.10872 of 2026 in
Crl.A(MD) No.660 of 2026*

B.PUGALENDHI, J.,

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Crl.MP(MD) No.10872 of 2026
in
Crl.A(MD) No.660 of 2026

15.06.2026
(2/2)