



Crl.M.P.(MD)No.10990 of 2025

in Crl.A.(MD)No.879 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10990 of 2025

in Crl.A.(MD)No.879 of 2025

Sathishkumar

... Petitioner

versus

State through
The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
(Crime No.349/2023)

... Respondent

Petition filed under Section 430 of BNSS 2023, seeking to suspend the sentence and release the appellant on bail, pending disposal of the Criminal Appeal, against the Judgment in Spl.S.C.No.379 of 2023 on the file of the Sessions Court (Mahila Fast Tract Court), Dindigul, dated 02.12.2024 till the disposal of the main appeal.

For Petitioner : Mr.Abdul Rahuman
for Mr.K.Chellamani



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For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.379 of 2023 on the file of the Sessions Court, Mahila Fast Track Court, Dindigul. He was tried for the offence under Sections 366 IPC and Section 9 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act. After the trial, the trial Court, by its Judgment dated 02.12.2024, found the petitioner guilty for the offence under Section 366 IPC and Section 6 of POCSO Act and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	7 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
2.	6 of POCSO Act	20 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.879 of 2025 and the same was admitted by this Court on 19.08.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. When this petition is taken up for consideration, Mr.Abdul Rahman, learned counsel, representing the counsel on record for the petitioner, seeks for a short accommodation.

3. It appears that this petition has been filed on 14.07.2025, however, it is kept pending for the past six months.

4. The learned Government Advocate (Crl. Side) submits that the petitioner had a love affair with the victim girl, who was aged about 16 years at the time of occurrence and he took the victim girl to a temple near the Natham Taluk Office, where he tied the thali and thereafter, he had physical relationship with her. On the complaint of the mother of the victim girl, this case was registered as against the petitioner for the offence under Section 366 IPC and Section 9 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act. The learned Government Advocate (Crl. Side) further submits that pending trial, the petitioner had married the victim girl.

5. The defence of the petitioner is that without knowing the exact age of the victim girl, he married her and under the impression that she is legally



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wedded to him, he had physical relationship with her. Further, the petitioner was in jail from 11.07.2024 to 21.10.2024 and thereafter, he is in jail from the date of conviction.

6. Considering the fact that it is a case of love affair, the period of incarceration and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.

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 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 Sessions Court (Mahila Fast Track Court), Dindigul and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

18.03.2026

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To

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1. The Sessions Court (Mahila Fast Track Court),
Dindigul.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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