



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

Crl.M.P.(MD)No.11825 of 2025

Azhagu Raja

... Petitioner

versus

The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District.

... Respondent

Petition filed under Section 430(2) r/w. 483 of BNSS 2023, to suspend the sentence imposed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni, in Spl.S.C.No.84 of 2023 dated 25.02.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Sathish Kumar

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



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

Crl.M.P.(MD)No.13875 of 2025

Ramalakshmi

... Petitioner

versus

The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Madurai.

... Respondent

Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner/appellant/accused No.2 by the Special Court for trial of POCSO Act cases, Theni, Spl.S.C.No.84 of 2023 dated 25.02.2025 and enlarge her on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.Arokiya Selva Ramesh

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

COMMON ORDER

The petitioners are the accused Nos.1 and 2 in Spl.S.C.No.84 of 2023 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni. The petitioners were tried for the offences under POCSO Act that they had taken the victim girl aged about 14 years to their house, wherein, the



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

1st accused had sexually abused the victim girl, which was facilitated by the 2nd accused. After the trial, the trial Court, by its Judgment dated 25.02.2025, found the petitioners guilty, convicted and sentenced them as under:

	Sections	Punishment	Fine amount	Default
A1	366 IPC	7 years rigorous imprisonment	Rs.2000/-	Six months simple imprisonment
A1	4(2) of POCSO Act	20 years rigorous imprisonment	Rs.5000/-	One year simple imprisonment
A1	376(3) IPC	20 years rigorous imprisonment	Rs.5000/-	One year simple imprisonment
A2	366-A IPC	7 years rigorous imprisonment	Rs.2000/-	Six months simple imprisonment
A2	342 IPC	One year rigorous imprisonment	-	-
A2	4(2) r/w. 17 of POCSO Act	20 years rigorous imprisonment	Rs.5000/-	One year simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioners have filed separate appeals in Crl.A.(MD)Nos.936 and 1066 of 2025 respectively. The appeal filed by the 1st accused in Crl.A.(MD)No.936 of 2025 has been admitted by this Court on 08.12.2025 and the appeal filed by the 2nd accused in Crl.A.



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

(MD)No.1066 of 2025 is admitted by this Court today. Along with the appeals, the petitioners have moved the petitions seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioners submit that P.W.1, the father of the victim girl, is the close relative of the 1st accused and they moved closely. On 25.10.2021, P.W.1 had beaten her daughter and therefore, she left her house and went to the accused's house, wherein, the 1st accused was said to have sexually abused her and the 2nd accused was said to have facilitated for the same. According to the learned counsel for the petitioners, for having provided asylum to the victim girl, P.W.1 has foisted this case as against the petitioners as if the 1st accused has sexually abused the victim girl and 2nd accused has facilitated for the same.

3. The learned counsel, by referring to the evidence of P.W.1 and P.W.3- victim girl, submits that the victim girl, in her evidence, has admitted that prior to the occurrence, P.W.1 assaulted her and therefore, she voluntarily went along with the 1st and 2nd accused in his motorcycle to their house. The learned counsels also pointed out that from the accused' house, the victim girl phoned



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

her cousin one Suriya through the mobile phone of the 1st accused and informed her stay at the accused's house. However, the said Suriya was not examined by the prosecution. The prosecution case itself is, only on the information given by the victim girl to the said Suriya through the mobile phone of the 1st accused, P.W.1 came to know about the whereabouts of her daughter and went to the accused's house along with P.W.2-his wife and P.W.14-his sister and rescued the victim girl. In this case, the complaint was lodged on 25.10.2021 and the victim girl was subjected to medical examination on 27.10.2021. As per the medical report, the hymen was not intact and there was a contusion on her private parts. According to the learned counsel, the parents of the victim girl, suspecting her, attempted to marry her with P.W.14's son and therefore, she left her house and stayed in the accused's house. For having provided asylum to the victim child, P.W.1, P.W.2 and P.W.14 have foisted this complaint as against the petitioners. The learned counsels further submit that the petitioners are in jail from the date of conviction and during the trial, they were also in jail for some period. It is further submitted that the petitioners are having a child aged about 5 years and since they are in jail, their child is without any care. Therefore, they seek to grant bail to the petitioners.



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

4. The learned Government Advocate (Crl. Side) submits that there is no evidence to the probabilities raised by the accused. At the time of occurrence, the victim girl is aged about 14 years and she was rescued from the accused's house. The victim girl was locked in a room in the accused's house and she was rescued by her parents along with P.W.14 and thereafter, the complaint was lodged. He also pointed out that P.W.10-the Doctor, who examined the victim girl noted down the redness on her private parts and she also noted down that the hymen was not intact. Therefore, according to the learned Government Advocate, the 1st accused has committed aggravated penetrative sex as against the victim girl, who was aged about 14 years, for which, the 2nd accused, who is the wife of the 1st accused, facilitated for the same. He further submits that since the victim girl was in the custody of the accused, the burden lies on the accused.

5. This Court considered the rival submissions and perused the materials placed on record.

6. The victim girl was aged about 14 years. The 1st accused is her close relatives. As per the evidence of the victim girl and P.W.1 and P.W.2, it



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

appears that P.W.1 and P.W.2 moved closely with the accused's family and they went for cinema, etc. The available evidence shows that P.W.1, the father of the victim girl, condemned the victim girl for using the mobile phone. Therefore, the victim girl went to the accused's house in the motorcycle of the 1st accused along with the 2nd accused. The place, where the victim girl was rescued, is a row house and there are adjacent houses. The victim girl has not raised hue and cry when she was subjected for sexual harassment. As per the evidence of the victim girl, it is the victim girl, who informed her cousin one Suriya about her stay in the accused's house through the 1st accused's mobile phone. Only thereafter, P.W.1 and P.W.2 came to know about the whereabouts of the victim girl and rescued the victim girl from the accused's house.

7. As already pointed by the learned counsels, the said Suriya, the cousin of the victim girl, was not examined before the trial Court. Admittedly, the victim girl was beaten by her father on the previous day to the occurrence and therefore, the victim child went to the accused's house voluntarily in the motorcycle of 1st accused along with the 2nd accused. The victim girl and accused are close relatives. The victim has also informed her stay in the accused's house through the mobile phone of the 1st accused. In the event, if the



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

prosecution case is admitted in toto, this piece of evidence creates a doubt as to the manner in which the case has been projected by the prosecution. Further, the petitioners are in jail from date of conviction and they were also in jail during trial. The petitioners are having certain arguable points. However, the appeals could not be taken up for final hearing immediately.

8. Considering the period of incarceration and the appeals could not be taken for final hearing immediately, this Court is inclined to suspend the sentence.

9. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeals and the petitioners are ordered to be enlarged on bail on the following conditions:

(i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) each with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni.

(ii) The appellants 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.



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioners shall stay at Tirupur and report before the Inspector of Police, Town Police Station (South), Tirupur, daily at 10.30 a.m. until further orders.

(iv) The petitioners shall file an affidavit before the respondent Police that they shall not visit the occurrence village and not disturb the victim girl and her family at any point of time.

08.04.2026

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To

1. The Principal Special Court for Exclusive Trial of
cases under POCSO Act,
Theni.

2. The Superintendent,
Central Prison, Trichy.

3. The Superintendent,
Special Prison for Women,
Madurai.

9/11



Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

WEB COPY

4. The Inspector of Police,
Thenkarai Police Station,
Theni District.
5. The Inspector of Police,
Town Police Station (South),
Tirupur.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

B.PUGALENDHI, J.

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Crl.M.P.(MD)Nos.11825 and 13875 of 2025

in Crl.A.(MD)Nos.936 and 1066 of 2025

08.04.2026