



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

Ananth @ Arivanantham

... Petitioner

versus

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.

... Respondent

Petition filed under Section 430(2) of BNSS 2023, to enlarge the petitioner on bail by suspending the sentence imposed on the petitioner by the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, in Spl.S.C.No.25 of 2022 dated 31.01.2023, pending disposal of the criminal appeal

For Petitioner : Mr.D.Venkatesh



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.25 of 2022 on the file of the learned Additional Sessions Judge (Fast Track Mahila Court), Karur. He was tried for the offence under Sections 367, 506(i) IPC and Section 6 of POCSO Act 2012 that he has made penetrative sexual assault in the anus of the victim boy who was aged about 7 years. After the trial, the trial Court, by its Judgment dated 31.01.2023, found the petitioner guilty for the offence under Sections 367 and 506(i) IPC and Section 6 of POCSO Act, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	367 IPC	10 years simple imprisonment	Rs.1,000/-	One year simple imprisonment
2.	6 of POCSO Act	20 years rigorous imprisonment	Rs.1,000/-	One year simple imprisonment
3.	506(i) IPC	2 years simple imprisonment	Rs.1,000/-	6 months simple imprisonment



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.288 of 2023 and the same was admitted by this Court on 11.04.2023. Along with the appeal, the petitioner had earlier filed an application in Crl.M.P.(MD)No.15331 of 2023 seeking to suspend the sentence imposed by the trial Court and the same was dismissed by this Court, by its order dated 22.12.2023, considering the nature of offence. The second application filed by the petitioner in Crl.M.P.(MD)No.3323 of 2024 was also dismissed by this Court, by its order 14.03.2025. This is the 3rd application filed by the petitioner seeking to suspend the sentence that he is in jail for nearly four years.

2. The learned counsel appearing for the petitioner submits that P.W.2 in his examination specifically admits that he was tutored by the respondent and oral evidence given by him was actually provided to him in written by the respondent. He further submits that P.W.7-the Doctor, who initially treated the victim, found no injury on the victim. Further, P.W.8-the Doctor, who made examination on the victim specifically admits that there is no symptoms either on the anal or around the anal of the victim and if penetration took place as projected by the prosecution, it would have definitely caused injury to the



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

victim. But, there was no injury on the victim boy. He further submits that M.O.1 and M.O.2 were recovered on 28.03.2022, but, it reached the Court only on 04.04.2022, with a delay of 7 days and the delay was not properly explained. According to him, there was a motive for foisting this case as against the petitioner and in order to prove the same, Ex.D1 was marked on the side of the petitioner, which will prove that the motive is the land dispute between the parents of the victim and the family of the petitioner. Therefore, the petitioner is having certain arguable points in this case. Since the petitioner is languishing in jail for nearly four years, he seeks to suspend the sentence imposed by the trial Court.

4. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the victim boy was aged about 7 years old and the victim boy has clearly deposed about the penetrative assault made by the petitioner.

5. This is the 3rd application filed by the petitioner seeking to suspend the sentence. This Court, while dismissing the 2nd application on 14.03.2025, directed the matter to be listed for final disposal. However, the appeal could not be taken up for final hearing immediately. It is reported that the petitioner is in



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

jail for nearly four years.

6. It appears that the evidence of victim boy has not been corroborated by the doctor's evidence. The petitioner has also raised certain arguable points in this case. Even though the earlier applications were dismissed by this Court, the appeal could not be taken up for final hearing for want of time.

7. Considering the period of incarceration and also considering the fact that the appeal could not be taken up for final hearing for want of time, this Court is inclined to suspend the sentence with conditions.

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 Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge (Fast Track Mahila Court), Karur.

(ii) Out of the two sureties, one surety must be a Government Servant and another surety must be a respectable person in their locality, either elected



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

people representatives or the persons who are having permanent business establishments. The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not visit the occurrence village and he will be available during the appeal proceedings.

(iii) The petitioner shall stay at Thiruppur and appear before the Inspector of Police, Town Police Station (South), Thiruppur, daily at 10.30 a.m. until further orders and also file an affidavit before the respondent police that he will not visit the occurrence village and he will be available during the appeal proceedings.

26.03.2026

ogy

To

1. The learned Additional Sessions Judge,
(Fast Track Mahila Court),
Karur.

2. The Superintendent,
Central Prison, Trichy.

6/8



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

3. The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
4. The Inspector of Police,
Town Police Station (South),
Thiruppur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

B.PUGALENDHI, J.

ogy

Crl.M.P.(MD)No.11539 of 2025

in Crl.A.(MD)No.288 of 2023

26.03.2026