



CrIMP(MD)No.13554 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.13554 of 2025
in
CrI A(MD)No.1039 of 2025**

Subbiah

...Petitioner

Vs

**The State of Tamil Nadu
represented by its
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
[Crime No.104 of 2019]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the execution of sentence of imprisonment passed in the judgment of conviction and SplCC.No.267 of 2019 dated 02.08.2024 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and enlarge the petitioner on bail, pending disposal of the main criminal appeal.

For Petitioner : Mr.G.Sakthi Rao

**For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate**



WEB COPY



CrIMP(MD)No.13554 of 2025

ORDER

The petitioner is sole accused in SplSC.No.267 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli. He was tried and by judgment dated 02.08.2024, he was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.10,000/- in default to undergo one year simple imprisonment for the offence under Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrI A(MD)No.1039 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 06.04.2026.

2.The learned counsel appearing for the petitioner submits that the allegation as against the petitioner is that he had pulled the hands of the victim, however, the victim child has not supported the case of the prosecution. The victim child was subjected for medical examination and there was no injury noted. He further submits that the the petitioner is in jail for the past 20 months.



CrIMP(MD)No.13554 of 2025

WEB COPY

3.The learned Government Advocate (Crl Side) appearing for the respondent submits that the victim has supported the case of the prosecution in the chief examination, however she turned hostile during the 3rd cross examination. PW3 the eye witness noticed the petitioner along with the victim on the date of occurrence, she only reported the incident to the mother of the victim and thereafter the complaint was lodged.

4.This court has considered the rival submissions made and also perused the materials placed on record.

5.According to the prosecution case, the petitioner is said to have pulled the hands of the victim. The victim child who had initially supported the case of the prosecution, has not supported the prosecution case in the cross examination. The petitioner is in jail for the past 20 months. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal, however, the appeal could not be taken up for final hearing, for want of time.



CrIMP(MD)No.13554 of 2025

Considering the period of incarceration and that the appeal could not be taken up for hearing immediately, this court is inclined to suspend the sentence pending the appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(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, Special Court for POCSO Act Cases, Tirunelveli

(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 village and will not disturb the victim and her mother, pending the appeal.

(iii) The petitioner shall stay at Coimbatore and report before the Inspector of Police, B1 Town Police Station daily at 10.30 am.



CrIMP(MD)No.13554 of 2025

(iv) 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.

06.04.2026

DSK

To

- 1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
- 2.The Sessions Judge,
Special Court for Protection of
Children from Sexual Offences Cases,
Tirunelveli.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

Copy to

- 1.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Inspector of Police,
B1 Town Police Station,
Coimbatore.



WEB COPY



CrIMP(MD)No.13554 of 2025

B.PUGALENDHI.J.,

DSK

**CrIMP(MD)No.13554 of 2025
in
Crl A(MD)No.1039 of 2025**

06.04.2026