



CRL MP(MD). No.11926/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.11926/2025
in
CRL A(MD)No.949/2025

Selvamurugan @ Murugan

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
All Women Police Station
Oddanchathiram, Dindigul District.
Crime No.34/2023.

... Respondent

PRAYER :- Petition filed u/s.430[2] r/w 483 of BNSS to enlarge the petitioner on bail by suspending the sentence imposed in Spl.SC.No. 77/2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dindigul, dated 11.08.2025.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.B.Nambi Selvan, APP

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed on him by the learned



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Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.SC.No. 77/2024 dated 11.08.2025, pending disposal of the appeal.

2. The case of the prosecution in brief, is that the victim girl, aged about 14 years, at the time of the incident, was approached by her own father, the petitioner herein, on 26.11.2023, while her mother was away at work. According to the prosecution, taking advantage of the victim girl's solitude and vulnerable condition, her own father, the petitioner, sexually assaulted her. Agitated by the incident, the victim girl did not attend school for one week. When her mother [wife of the petitioner] enquired about her absence to school, the victim revealed the entire ordeal. Hence, the Inspector of Police, All Women Police Station, Oddanchathiram, Dindigul District, filed the Final Report against the accused for the offences punishable u/s.452, 506[i] of IPC and u/s.8 and 10 of POCSO Act.

3. Before the Trial Court, on the side of the prosecution, 9 witnesses were examined as P.W.1 to P.W.9 and 11 documents were marked as Ex.P.1 to Ex.P.11. On the side of the accused, no witness was examined ; however, Exs.D1 to D5 were marked on the side of the defence.



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4. The learned Sessions Judge, Fast Track Mahila Court, Dindigul, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 11.08.2025, convicting the petitioner as follows:

S.No.	Offence under Section	Sentence
1	452 of IPC	5 years R.I. and to pay a fine of Rs.3,000/-, in default to undergo 6 months S.I
2	506[1] of IPC	1 year R.I. and to pay a fine of Rs.2,000/-, in default to undergo 6 months S.I
3	10 of POCSO Act	5 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 6 months S.I

5.Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The learned counsel appearing for the petitioner submitted that admittedly, there was a matrimonial dispute between the petitioner and his wife who was living with her paramour, one Iyyappan. The victim's mother was living with her paramour, one Iyyappan. The said Iyyappan sexually assaulted the petitioner's elder daughter and therefore, the petitioner along with his elder daughter, filed a complaint against his wife and her paramour Iyyappan, which was registered in Crime No. 33/2023 on 02.12.2023. On the very next day, i.e., on 03.12.2023, the



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victim, his younger daughter along with his wife, filed the present complaint against the petitioner in Crime No.34/2023. The case filed against the petitioner's wife and her paramour, Iyyappan, for sexual assault of the petitioner's elder daughter, was taken up in Spl.SC.No. 65/2024, and by judgment dated 11.08.2025, the Court acquitted the petitioner's wife, but convicted her paramour of the offence punishable u/s.8 of the POCSO Act, and sentenced him to undergo 3 years RI along with fine of Rs.5,000/-, in default, to undergo six months SI. The learned counsel submitted that the aforesaid facts clearly reveal that only as a counter-blast, a false case was foisted by the petitioner's wife against him by tutoring his younger daughter to lodge the complaint against him. The learned counsel referred to the evidence of PW1, the victim girl, to underscore the contradictions in her evidence.

7. The learned Additional Public Prosecutor appearing for the State, on the other hand, submitted that the prosecution had proved its case beyond doubt and that the evidence of the victim girl as also her mother clearly proved that the petitioner had sexually assaulted his own daughter and hence, the conviction and sentence imposed by the Trial Court, warranted no interference.



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8. This Court has carefully considered the rival contentions of both sides counsels and also perused the materials available on record.

9. The learned counsel appearing for the petitioner filed an additional typed set of papers annexing the judgment in Spl.SC.No. 65/2024 dated 11.08.2025. From the judgment, it is clear that the victim's mother, the wife of the petitioner herein, was living with her paramour Iyyappan and that, there was matrimonial dispute between her parents. The petitioner along with his elder daughter, filed a complaint against his wife and her paramour Iyyappan on 02.12.2023, for sexual assault of his elder daughter by his wife's paramour. On the very next day, on 03.12.2023, his wife along with his younger daughter filed the complaint alleging sexual assault of the younger daughter by the petitioner. The victim girl's entire evidence in chief as well as cross examination, appears to be tutored by her mother. The victim girl has admitted that she and her mother were staying with Iyyappan, her mother's paramour. *Prima facie* it appears that the present prosecution may have been set in motion by the petitioner's wife as a retaliatory measure for the complaint lodged by the petitioner against her and her paramour. This Court finds that the petitioner has made out an arguable



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case in the appeal and that there is a likelihood of the petitioner succeeding in the appeal. Moreover, the criminal appeal is not likely to be taken up for final hearing in the near future.

10. In view of the above discussions and without expressing any opinion on the merits of the case, this Court is inclined to suspend the sentence imposed on the petitioner on the following conditions:-

(i) The petitioner is directed to pay the fine amount of Rs.5,000/- within a period of two weeks from today ;

(ii) Upon payment of fine amount, the petitioner shall be enlarged on bail on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul ;

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iv) The petitioner shall appear before the trial Court on every Monday, at 10.30 a.m., until further orders and if he is not able to appear



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before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

27.01.2026

AP

TO

- 1.The The Inspector of Police,
All Women Police Station
Oddanchathiram, Dindigul District.
- 2.The Sessions Judge, Fast Track Mahila Court, Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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