



Crl.MP(MD)No.12377 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.12377 of 2025

in

Crl.A(MD) No.966 of 2025

Prakash

... Petitioner

Vs.

The State through Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.
[Crime No.26 of 2023]

... Respondent

Prayer: Petition filed under Section 430(1) and 483 of BNSS,to suspend the execution of sentence imposed on the petitioner / appellant by the Additional Sessions Judge (FTMC), Karur in SplSC.No.24 of 2024 dated 4th August 2025 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.RM.Sivakumar

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate



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ORDER

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The petitioner is accused No.1 in SplSC.No.24 of 2024 on the file of the Additional Sessions Court (FTMC), Karur and he was tried, found guilty, convicted and sentenced to undergo five years of rigorous imprisonment with a fine of Rs.1,000/- and in default to pay the fine, to undergo one month simple imprisonment for the offence under Section 9(m) r/w Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.966 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.

2.The learned counsel appearing for the petitioner submits that the petitioner has not involved in any offence as alleged by the prosecution. Even according to the prosecution case, there was injury on the lips of the victim, however, there is no external injury on the victim as per the medical evidence.

3.The learned Government Advocate appearing for the respondent submits that the ground raised by the petitioner have been discussed by the



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trial court and the petitioner has been found guilty and convicted.

4.This Court considered the rival submissions made and perused the material placed on record.

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and that the appeal could not be taken up immediately and the petitioner's period of incarceration, this Court is inclined to allow this petition.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment 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 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 (FTMC), Karur.

(ii)The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further



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offence.

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(iii)The petitioner shall report before Inspector of Police, Amathur Police Station, Virudhunagar District daily at 10.30 am and he shall not visit the occurrence village pending the appeal.

(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.

17.03.2026

DSK

To

- 1.The Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.
- 2.The Additional Sessions Judge (FTMC),
Karur
- 3.The Superintendent,
Central Prison,
Trichy.

Copy to

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

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Amathur Police Station,
Virudhunagar District.



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B.PUGALENDHI, J.,

DSK

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