



WEB COPY

CRL MP(MD)No.12354 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CRL MP(MD)No.12354 of 2025
in CRL A(MD)No.187 of 2024**

Abdul Rahman

... Petitioner

Vs

The State of Tamil Nadu represented by
the Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the execution of the sentence by granting bail in SC.No.329 of 2019 dated 18.10.2023 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli pending disposal of the criminal appeal

For Petitioner : Mr.V.Kathirvelu,

Senior Counsel for Mr.K.Prabhu

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

Government Advocate (Crl Side)

**ORDER****WEB COPY**

The petitioner is sole accused in SC.No.329 of 2019 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli. By judgment dated 18.10.2023, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 1 year rigorous imprisonment for the offence under Section 10 of POCSO Act. As against the conviction, the petitioner has filed an appeal in CrIa(MD)No.187 of 2024 and it has been admitted by this Court. The earlier petition filed by the petitioner was dismissed by order dated 17.03.2026 that the typed set of papers was ready for final disposal of the appeal. This is the second petition filed to suspend the sentence.

2.The learned Senior Counsel appearing for the petitioner submits that the petitioner has been sentenced to undergo five years imprisonment and he has completed half of the sentence. He further submits that the victim has not been subjected for medical examination and the evidence of the victim has not been corroborated nor supported by any of the witnesses. The petitioner is having a good case in appeal, however appeal could not be taken up for final hearing.



3.The learned Government Advocate (Crl Side) appearing for the respondent submits that the prosecution has proved its case as against the petitioner and he was rightly convicted by the trial Court based on the prosecution side evidence and exhibits.

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.

6. 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.50,000/- (Rupees Fifty Thousand only) with two sureties each



for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

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(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 offence.

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

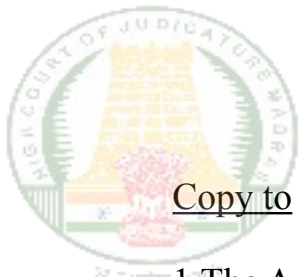
DSK

To

1.The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli.

2.The Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli.

3.The Superintendent,
Central Prison,
Palayamkottai.



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Copy to

1.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

2.The Inspector of Police,
Cantonment Police Station,
Trichy.



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B.PUGALENDHI,J.

DSK

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