



CrIMP(MD)No.13568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.13568 of 2025
in
Crl A(MD)No.1042 of 2025**

Barath

...Petitioner

Vs

The State of Tamil Nadu
represented by its
The Inspector of Police,
All Women Police Station,
Thanjavur District.
[Crime No.31 of 2022]

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed in SplSC.No.52 of 2023 vide judgment dated 16.10.2024 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.AN.Ramanathan

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



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ORDER

The petitioner is sole accused in SplSC.No.52 of 2023 on the file of the Principal Special Court for POCSO Act Cases, Thanjavur. He was tried and by judgment dated 16.10.2024, he was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.3,000/- in default to undergo one year rigorous imprisonment for the offence under Section 10 of the POCSO Act and sentenced to undergo one year rigorous imprisonment with fine of Rs.1000/- in default to undergo 3 months rigorous imprisonment for the offence under Section 342 IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrI A(MD)No.1042 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 case of the prosecution is that the petitioner has taken the victim girl to a bathroom and sexually abused her.



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3.The learned counsel appearing for the petitioner submits that the occurrence took place on 04.11.2022, but the complaint was lodged after a period of two days. This delay has not been explained properly. As per the medical report (Exp5) there is no injury and the evidence of the Doctor PW7 has also corroborates the same. He further submits that the petitioner is in jail from 07.11.2022 and during the trial he was in jail for three months.

4.The learned Government Advocate (Crl Side) appearing for the respondent submits that PW3 upon hearing the crying sound of the victim from the bathroom, went and rescued the victim and the petitioner escaped from there. On his intimation to the victim's mother the complaint was lodged.

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

5.The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal, however, the



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appeal could not be taken up for final hearing, for want of time.

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 Principal Sessions Judge, Special Court for POCSO Act Cases, Thanjavur.

(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.



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(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,
All Women Police Station,
Thanjavur District.
- 2.The Sessions Judge,
Special Court for Protection of
Children from Sexual Offences Cases,
Thanjavur.
- 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,
B1 Town Police Station,
Coimbatore.



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B.PUGALENDHI.J.,

DSK

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