



Crl.MP(MD) No.16130 of 2023 in
Crl.A(MD) No.787 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.16130 of 2023

in

Crl.A(MD) No.787 of 2023

Thiyagarajan

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
Crime No.19 of 2016

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in S.C.No.15 of 2018, on the file of the Sessions Judge, Mahila Court, Tirunelveli District, dated 19.10.2022 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.R.Alagumani
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is the sole accused in SC.No.15 of 2018, on the file of the Mahila Court, Tirunelveli. He was tried for the offence under Section 376 IPC that he has sexually abused the victim girl, who is none other than his sister-in-law. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	376 IPC	12 years Rigorous imprisonment	Rs.60,000/-	One year simple imprisonment

As against the conviction and sentence imposed by the trial Court in SC No.15 of 2018, dated 19.10.2022, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.787 of 2023 and the same was admitted by this Court, by order, dated 01.09.2023. Along with the appeal, the petitioner has moved this application to suspend the sentence imposed on him by the trial Court.



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2.The case of the prosecution is that the petitioner has sexually abused the victim girl, who is the sister of his wife. The victim girl was aged about 19 years at the time of occurrence. When the victim girl was admitted in a Hospital for delivery, the doctor, who treated the victim girl has verified as to the father of the child. At that time, the victim girl has revealed that she is unmarried and this petitioner is the reason for her pregnancy. Therefore, a criminal case was registered as against this petitioner.

3.The learned counsel appearing for the petitioner submits that the victim girl was aged about 19 years at the time of occurrence. She had physical relationship with the petitioner, who is her own sister's husband. According to him, a complaint was lodged after eight months, that too, at the instance of the doctor, who treated the victim girl. Moreover, the delay has not been properly explained. He further submits that this petitioner is in jail for more than three years. Except the evidence of the victim girl, no other witness has been examined to



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prove the case of the prosecution. Therefore, this petitioner may be granted with the suspension of sentence, considering his period of incarceration.

4.The learned Government Advocate (Crl.side) appearing for the respondent submits that this petitioner has sexually abused her sister-in-law/the victim girl, in many occasions and made her pregnant. When she was admitted in the hospital for delivery, the doctor, who treated her found that she was unmarried. On the advice of the doctor, the complaint has been lodged. The child was born dead. DNA test was also conducted and it was proved that this petitioner is the father of the child. Therefore, the learned Government Advocate objects for grant of suspension of sentence to this petitioner.

5.This Court considered the rival submissions made and also perused the materials placed on record.



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6. Admittedly, the victim girl was 19 years old at the time of occurrence and she had physical relationship with her own sister's husband. In fact, the complaint has been lodged on the advice of the doctor, who treated the victim, when she was admitted in the hospital for delivery, after a period of eight months. It is reported that the petitioner is languishing in jail for more than three years.

7. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the criminal appeal. However the appeal could not be taken up immediately, for want of time. In view of the above and considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following



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conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, Tirunelveli, out of which, one surety must be the petitioner's wife.
- ii. The petitioner shall stay at Madurai and report before the Inspector of Police, Othakkadai Police Station, Madurai daily at 10.30 a.m, until further orders.
- iii. The petitioner shall file an affidavit of undertaking before the concerned police station that he will not visit the scene Village pending the appeal.



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iv. If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

24.03.2026

Index : Yes/No
Internet : Yes/No
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To

1. The Sessions Judge, Mahila Court, Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
3. The Superintendent,
Central Prison,
Tirunelveli.
4. The Inspector of Police,
Othakkadai Police Station,
Madurai.



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B.PUGALENDHI, J.,

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