



Crl.MP(MD) No.15616 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.15616 of 2025

in

Crl.A(MD) No.1152 of 2025

Kumar @ Shyamkumar

... Petitioner

Vs.

State of Tamil Nadu through
the Inspector of Police,
Srivaikundam All Women Police Station,
Thoothukudi District.
[Crime No.13 of 2020]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed against the appellant in SplSC.No.85 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi dated 17.12.2024 and release the appellant on bail till the disposal of the appeal.

For Petitioner : Dr.Alagumani

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



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ORDER

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The petitioner is sole accused in SplSC.No.85 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and he was tried, found guilty, convicted and sentenced to undergo four years rigorous imprisonment with a fine of Rs.5000/- in default to undergo one month rigorous imprisonment for the offence under Section 8 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.1152 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 29.10.2025.

2.The case of the prosecution is that the petitioner has intercepted the victim who went to a shop, pulled her hands forcibly and thereby sexually assaulted the victim.

3.The learned counsel for the petitioner submits that there are several contradictions among the witness as to the nature of offence. There is no eye witness. The prosecution has not laid charge sheet properly.



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However, this petitioner was found guilty and convicted. The petitioner is in jail for the past 1 year and 6 months.

4.The learned Government Advocate appearing for the respondent submits that the trial court has considered all the points and has rightly convicted the petitioner.

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

6.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 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:



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(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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and the sureties must respectable persons in the society.

(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 and will not visit the occurrence village.

(iii) The petitioner shall stay at Chennai, pending the appeal and report before the Inspector of Police, Kothawalchavadi, Police Station, Chennai daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence.

30.03.2026

DSK



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To

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- 1.The Inspector of Police,
Srivaikundam All Women Police Station,
Thoothukudi District.
- 2.The Special Court for Exclusive
Trial of Cases under POCSO Act,
Thoothukudi.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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