



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 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.12616 of 2025

in

Crl.A(MD) No.973 of 2025

Marimuthu

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station – Tirunelveli Town,
Tirunelveli District.

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed against the petitioner in Spl.C.C.No.11 of 2019, dated 17.07.2025, on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, and enlarge him on bail.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.A.S.Abdul Kalaam Azad
Government Advocate (Crl.side)



WEB COPY



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 of 2025

ORDER

The petitioner is an accused and he was tried in Spl.C.C.No. 11 of 2019, for the offence under Section 363 IPC r/w Section 4 of the POCSO Act, 2012, by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, and he was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	4 of POCSO Act	Seven years Rigorous imprisonment	Rs.5,000/-	One year Rigorous imprisonment
2.	363 IPC	Three years Rigorous imprisonment	Rs.5,000/-	Six months Rigorous imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.C.C.No.11 of 2019, dated 17.07.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.973 of 2025 and the same is admitted by this Court on 23.10.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial



2.The case of the prosecution is that due to love affair, the victim girl has gone with the petitioner and they have stayed in the petitioner's maternal uncle's house in Nagercoil, where the petitioner has committed penetrative sexual assault on the victim. Hence, the case.

3.The learned counsel appearing for the petitioner submits that since the application was filed on 15.09.2025 and the same is pending for the past six months, the petitioner found fault with the counsel that he has not prosecuted this application effectively and has got back the papers from him. However, learned counsel submits that he is prepared to argue the case based on the material available in the case. According to him, the petitioner had affair with the victim girl and both loved each other. When the same was objected to by the parents of the victim girl, they went to relatives' house and stayed, they have been traced and the case has been registered. According to



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 of 2025

the learned counsel for the petitioner, the petitioner was not aware of the age of the victim girl. However, the victim girl was only 16 years 10 months at the time of occurrence. Therefore, the case under POCSO Act has been registered along with offence under Section 363 of IPC. The Trial Court has found him guilty, convicted and sentenced as above. This petitioner is in jail, from 17.07.2025. Hence, he prays to suspend the sentence.

4.The learned Government Advocate (Crl.side) appearing for the respondent confirms that it is a case of love affair. However, the victim girl was aged about 16 years and 10 months at the time of occurrence and hence, he opposes to grant suspension of sentence to the petitioner as the offence is grave in nature.

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

6.The case is arising out of love affair. The petitioner claims



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 of 2025

that he was not aware of the age of the victim at the time of occurrence. The petitioner has raised certain points, which can be decided at the time of final disposal of the appeal. However, the appeal could not be taken up immediately, for want of time. Considering the period of incarceration, the nature of offence and appeal could not be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions.

7. 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 conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

- ii. **The petitioner shall stay at Madurai and report before the**



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 of 2025

**Inspector of Police, Othakadai Police Station, daily at
10.30 a.m., until further orders.**

iii. The petitioner shall file an affidavit before the respondent police that he will not visit the scene of occurrence village and will not disturb the victim girl pending appeal.

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.

17.03.2026

Index : Yes/No
Internet : Yes/No
apd

To

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

2. The Inspector of Police,
All Women Police Station – Tirunelveli Town,
Tirunelveli District.



WEB COPY



Crl.MP(MD) No.12616 of 2025 in
Crl.A(MD) No.973 of 2025

B.PUGALENDHI, J.,

apd

3. The Inspector of Police,
Othakadai Police Station,
Madurai.

Order made in
CrL.MP(MD) No.12616 of 2025
in
CrL.A(MD) No.973 of 2025

17.03.2026