



Crl.M.P.(MD)No.17368 of 2025

in Crl.A.(MD)No.1226 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.17368 of 2025

in Crl.A.(MD)No.1226 of 2025

Jeyapackiyam

... Petitioner

versus

State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, seeking to suspend the sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.33 of 2023 dated 11.06.2024 and enlarge the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.S.Maya Perumal

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.33 of 2023 on the file of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. He was tried for the offence under Section 366 IPC and Sections 5(l), 5(j)(ii) r/w. Section 6 of POCSO Act that he had abducted the victim girl aged about 17 years and had sexual intercourse forcibly with the victim girl, due to which, she became pregnant. After the trial, the trial Court, by its Judgment dated 11.06.2024, found the petitioner guilty for the offence under Section 366 IPC and Sections 5(l), 5(j)(ii) r/w. Section 6 of POCSO Act and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	366 IPC	10 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment
2.	5(l), 5(j)(ii) r/w. Section 6 of POCSO Act	20 years rigorous imprisonment	Rs.10,000/-	One year rigorous imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1226 of 2025 and the same was admitted by this Court on 19.11.2025. Along with the appeal, the petitioner has



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filed this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other and due to the love affair, the victim girl herself went to the petitioner's house and therefore, the petitioner has not abducted the victim girl. He further submits that there was a delay in filing the complaint and the prosecution has not properly explained the reasons for the delay. He further submits that the trial Court convicted the accused only on the medical ground regarding DNA report. According to him, the DNA report alone is not enough to prove the offence, because, the blood samples collected from the victim and the petitioner is not proved by the prosecution through Doctor. Since the petitioner is in jail for the past one year and eleven months, he seeks to suspend the sentence.

3. Heard the learned Government Advocate (Crl. Side).

4. Considering the fact that it is a case of love affair, the period of incarceration and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.



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5. 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 Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

(ii) The petitioner shall stay at Chennai and report before the Inspector of Police, C-1, Flower Bazaar Police Station, Chennai, daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will never visit the occurrence village or the place where the victim girl is residing and he will never disturb the victim girl at any point of time and he will also be available during the appeal proceedings.

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To



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1. The learned Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
4. The Inspector of Police,
C-1, Flower Bazzar Police Station,
Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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