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*Crl.MP(MD) No.16460 of 2025 in
Crl.A(MD) No.810 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**27.03.2026**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.16460 of 2025
in Crl.A.(MD)No.810 of 2024

Mathan

... Petitioner

Vs.

The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.327/2019

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner by Judgment dated 26.10.2023 in Special Case No.55 of 2020 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and enlarge the petitioner on bail.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondent : Mr.S.Prakash,
Government Advocate

ORDER

The petitioner is the sole accused in Special Case No.55 of 2020, on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, who was tried for the offence under Section 366 IPC



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and Section 6 of POCSO Act, that he had abducted a minor girl (PW3) aged 16 years, taken her to a temple, married her and had physical relationship with her. The petitioner was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	366 IPC	5 years RI	Rs.1,000/-	6 months RI
2	Section 6 of POCSO Act, 2012	20 years RI	Rs.1,000/-	1 year RI

As against the conviction and sentence imposed by the trial Court in Special Case No.55 of 2020, dated 26.10.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.810 of 2024 and the same was admitted by this Court on 01.10.2024. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The learned counsel appearing for the petitioner submits that this petitioner is a friend of the victim girl's brother. The victim had love affair with the petitioner. The victim's parents arranged a marriage for her with her uncle and therefore, at the request of the victim, this petitioner had



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taken her to Sankarankoil, married her and thereafter, they had physical relationship. Hence, a case came to be registered. According to the learned counsel, the petitioner under the impression that the age of the victim is more than 18 years, married her. He further submits that after registration of such a case, marriage was solemnized between this petitioner and the victim and they lived together. However, subsequently, the victim committed suicide and died. Therefore, on the complaint of PW1, another case has been registered against this petitioner in Crime No.143 of 2023 on the file of the respondent Police for the offence under Section 306 IPC. However, the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Tenkasi has acquitted this petitioner in S.C.No.189 of 2024 that this petitioner is not the cause for the victim girl committing suicide. He further submits that this petitioner is in jail from the date of Judgment i.e., on 26.10.2023.

3. The learned Government Advocate appearing for the respondent submits that the age of the victim was 16 years at the time of occurrence. The petitioner had physical relationship with her under the pretext that he would marry her.



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

5. The victim in her statement under Section 164 of Cr.P.C., has stated that her parents have compelled her to marry her uncle and therefore, she has left the house along with this petitioner and the petitioner claims that without knowing the age of the victim girl, he married her. Even after registration of a case, they got married and lived together for more than one year.

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. The petitioner is languishing in jail for more than two years. Considering the nature of this case as against this petitioner, statement of the victim girl under Section 164 Cr.P.C. and the period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



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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 only) 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 Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner and the sureties shall file an affidavit of undertaking before the Inspector of Police, Tiruppur North Police Station that the petitioner will not involve in any offence in future and will not visit the occurrence village, pending appeal.
- iv. In the event, 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.

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To

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- 1.The learned Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli
- 2.TheThe Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 3.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur
- 4.The Superintendent,
Central Prison,
Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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