



Crl.MP(MD)No.16013 of 2025 in
Crl.A(MD) No.1048 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.16013 of 2025

in

Crl.A(MD) No.1048 of 2024

Manikandan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
Crime No.240 of 2018

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to enlarge the petitioner on bail by suspending the sentence imposed by the Mahila Court / Additional POCSO Court, Thoothukudi in SplSC.No.24 of 2020 vide its judgment dated 30.07.2024 pending disposal of the main criminal appeal pending on the file of this court.



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For Petitioner : Mr.R.Anand
For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate (Crl.side)
For Victim : Mr.P.Banu Prasath
For Mediator : Mr.T.J.Ebenezer Charles

ORDER

The petitioner / accused in Spl.SC.No.24 of 2020, on the file of the Mahila Court, Additional POCSO Court, Thoothukudi was found guilty by the trial Court and was convicted and sentenced to undergo 10 years rigorous imprisonment with fine of Rs.3,000/- for the offence under Section 5(1) r/w 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and default sentence of three months simple imprisonment was also imposed on him. As against the conviction and sentence imposed by the trial Court in Spl.SC.No.24 of 2020, dated 31.07.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1048 of 2024 and the same was admitted by this Court on 02.12.2024. The petitioner has moved this application to suspend the sentence imposed on him.



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2.The learned counsel appearing for the petitioner submitted that it is only a love affair between the petitioner and the victim girl. Without realising the consequences, they had physical relationship, out of which, a child was also born to the victim girl. He further submits that the petitioner is intending to marry her, however, his parents have not permitted him. Therefore, this petitioner is willing to execute a property in favour of the child born to this petitioner through the victim girl. For the purpose of executing a document in favour of the child, the learned counsel requested interim bail to this petitioner for a period of two weeks.

3.Considering the above submission this court referred this matter for Mediation to find out the possibility of amicable settlement. Further in order to enable the petitioner to attend the mediation, this court suspended the sentence imposed on the petitioner, from 01.04.2026 to 19.04.2026.



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4.Today the learned Mediator has filed a report dated 20.04.2026 stating that the victim has agreed to accept the property offered by the petitioner in favour of the child born to the victim through the petitioner and the issue has been settled to this extent.

5.The learned counsel for the petitioner has furnished the copy of the registered settlement deed executed in favour of the minor child dated 17.04.2026, showing the victim as guardian. The petitioner has also surrendered before the prison on 19.04.2026.

6.The learned Government Advocate in fact has raised serious objections for grant of bail that this petitioner had physical relationship with the defacto complainant / victim, out of which, the victim has given birth to a child.

7.This court has considered the rival submissions.

8.The victim was aged about 17 years at the time of occurrence. The petitioner was aged about 22 years. The petitioner claims that without



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knowing the consequences, they had physical relationship and therefore, the victim gave birth to a child. The parents of the petitioner refused for the marriage of the petitioner and the victim. On verification the victim has stated that she was not willing to join with the petitioner any more.

9.The victim at the tender age has lost her future and is also having the child. The petitioner is in jail from 31.07.2024. The petitioner has now executed a settlement deed dated 17.04.2026 in favour of the child.

10.Considering the developments, the age of the parties and also the period of incarceration, this court is inclined to suspend the sentence on the following conditions:

(i) It is reported that the petitioner has already executed a bond for a sum of Rs.one lakh with two sureties before the learned Sessions Judge, Mahila Court/ Additional POSCO Court, Thoothukudi and the same shall be considered and the petitioner shall be released on bail.

(ii) The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further



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offence. He will be available during this appeal proceedings.

(iii) The petitioner shall report before the trial court on the first working day of every month.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

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

21.04.2026

DSK

To

1.The Mahila Court/Additional POCSO Court,
Thoothukudi.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.

3.The Superintendent,
Central Prison,
Palayamkottai.



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B.PUGALENDHI, J.,

DSK

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