



Crl.M.P.(MD)No.17987 of 2025

in Crl.A.(MD)No.1258 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.17987 of 2025

in Crl.A.(MD)No.1258 of 2025

Subbaiyan

... Petitioner

versus

State of Tamil Nadu through
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed against the petitioner in Spl.S.C.No.80 of 2022 on the file of the Special Court for trial of cases under POCSO Act, Thanjavur, dated 01.03.2022 and release the petitioner on bail till the disposal of the main criminal appeal.

For Petitioner : Mr.S.Ramesh Kumar

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.80 of 2022 on the file of the Principal Special Court for trial of cases under POCSO Act, Thanjavur. He was tried for the offence under Section 10 of POCSO Act, Sections 448, 294(b) and 506(ii) IPC and Section 4 of Tamil Nadu Women Harassment Act that he has sexually abused the victim child aged about 12 years. After the trial, the trial Court, by its Judgment dated 01.03.2023, found the petitioner guilty for the offence under Section 10 of POCSO Act, Sections 448, 294(b) and 506(ii) IPC and Section 4 of Tamil Nadu Women Harassment Act, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	10 of POCSO Act	5 years rigorous imprisonment	Rs.20,000/-	Six months rigorous imprisonment
2.	448 IPC	6 months rigorous imprisonment	Rs.1,000/-	One month rigorous imprisonment
3.	294(b) IPC	One month rigorous imprisonment	Rs.500/-	One week rigorous imprisonment
4.	506(ii) IPC	3 years rigorous imprisonment	Rs.3,000/-	Six months rigorous imprisonment



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5.	4 of Tamil Nadu Women Harassment Act	2 years rigorous imprisonment	Rs.10,000/-	Three months rigorous imprisonment
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Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1258 of 2025 and the same was admitted by this Court on 25.11.2025. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the petitioner is aged about 71 years and he is an innocent person, however, he has been falsely implicated in this case. He further submits that the alleged occurrence had taken place on 03.07.2022 at about 16.30 hrs., but, the FIR reached the Court only on 05.07.2022 at 2.15 p.m. and there was no sufficient reason explained by the prosecution for the said delay. The learned counsel further submits that as per the evidence of Doctor, there is no external injury on the private part of the victim. Further, on the side of the prosecution, neighbours were examined as P.W.3 to P.W.6, out of which, P.W.4 has not supported the case of the prosecution and he turned hostile. Now, the petitioner is suffering with cancer in advanced stage. Therefore, he seeks to suspend the



3. The learned Government Advocate (Crl. Side) opposed this petition that at the time of occurrence, the victim child was aged about 12 years and the accused was aged about 67 years. He further submits that on the date of occurrence, the victim child was alone in her house and taking advantage of the loneliness of the victim child, the accused has committed the offence.

4. The petitioner is aged about 71 years and now, he is suffering with cancer. The petitioner has raised certain arguable points, which can be considered only during the final hearing. However, the appeal could not be taken up for final hearing for want of time. Further, the petitioner has completed a substantial portion of sentence period.

5. Considering the points raised by the petitioner, the period of incarceration and also considering the fact that the appeal could not be taken up for final hearing for want of time, this Court is inclined to allow this petition.



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6. 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 Special Court for Trial of Cases under POCSO Act, Thanjavur.

(ii) The petitioner shall stay at Chennai and appear before the Inspector of Police, Adayar Police Station, Chennai, daily at 10.30 a.m. until further orders.

30.03.2026

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To

1. The Special Court for trial of cases
under POCSO Act,
Thanjavur.

2. The Superintendent,
Central Prison, Trichy.

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3. The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
4. The Inspector of Police,
Adayar 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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