



Crl.M.P.(MD)No.15288 of 2025

in Crl.A.(MD)No.59 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.15288 of 2025

in Crl.A.(MD)No.59 of 2023

Ramadoss

... Petitioner

versus

State of Tamilnadu, rep. by
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed on the petitioner/appellant in Spl.S.C.No.46 of 2021 on the file of the Special Court of POCSO Act Cases, Virudhunagar District, Srivilliputhur, dated 08.11.2022 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.K.Samidurai

For Respondent : Mr.S.Prakash
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.46 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District, Srivilliputtur. He was tried for the offence under Section 366 IPC and Section 5(m) r/w. 6 of POCSO Act that he has attempted to make oral sex with the victim boy aged about 3 years. After the trial, the trial Court, by its Judgment dated 08.11.2022, found the petitioner guilty for the offence under Section 363 IPC and Section 5(m) r/w. 6 of POCSO Act, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	363 IPC	5 years rigorous imprisonment	Rs.10,000/-	One year simple imprisonment
2.	5(m) r/w. 6 of POCSO Act	20 years rigorous imprisonment	Rs.1,00,000/-	One year simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.59 of 2023 and the same was admitted by this Court on 19.01.2023. The earlier petitions filed by the petitioner in Crl.M.P.(MD)Nos.2918 and 15105 of 2023 were dismissed by this



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Court by order dated 24.02.2023 and 06.11.2023 and this is the 3rd petition filed by the petitioner seeking to suspend the sentence imposed against him.

2. The learned counsel appearing for the petitioner submits that the petitioner is in jail from the date of arrest, i.e. from 09.07.2022. According to him, this case has been foisted against the petitioner on the personal motive with P.W.2. The learned counsel also pointed out that the victim child has not been examined either under Section 164 Cr.P.C. or during the trial and the entire case was proceeded based on the evidence of P.W.1 and P.W.2. He further submits that the occurrence had taken place on 02.07.2022, however, the complaint was lodged on 06.07.2022 with a delay of four days. Since the petitioner is in jail for the past 3 ½ years, the learned counsel seeks to grant bail to the petitioner.

3. The learned Government Advocate (Crl. Side) submits that the victim boy was aged about 3 years and therefore, he was not examined before the Court. According to him, the petitioner attempted to make oral sex with the victim child that was witnessed by P.W.1, who is the uncle of the victim child.



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4. This Court considered the rival submissions made.

5. Though the earlier petitions filed by the petitioner in Crl.M.P. (MD)Nos.2918 and 15105 of 2023 were dismissed by this Court on 24.02.2023 and 06.11.2023, the appeal has not been taken up for final hearing till date. The learned counsel for the petitioner has taken a ground that the victim boy was not subjected for medical examination and he was not examined under Section 164 Cr.P.C. or during the trial and the entire case was based on the evidence of P.W.1 and P.W.2. P.W.1 is the brother of P.W.2, who is the father of the victim boy. There was a delay of four days in reporting the incident. Further, the petitioner is in jail from the date of arrest, i.e. from 09.07.2022.

6. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately.

7. Considering the period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with conditions.



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8. 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POSCO Act, Virudhunagar District, Srivilliputtur.

(ii) Out of the two sureties, one surety must be a Government Servant. The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not visit the occurrence village and not disturb the victim child and his family members at any point of time.

(iii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.



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(v) The petitioner shall stay at Chennai and appear 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 not visit the occurrence village and not disturb the victim child and his family at any point of time.

(vi) 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.

08.04.2026

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To

1. The Special Court for Exclusive Trial of
Cases under POSCO Act,
Virudhunagar District, Srivilliputtur.

2. The Superintendent,
Central Prison, Madurai.

3. The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.

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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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