



CRL MP(MD) NO. 16037 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-01-2026

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) NO. 16037 of 2025

in

CRL.A(MD)No.1170 of 2025

1. Ajith Kumar
S/o.Kaatturaja
No.5-7-266
Pattalamman Koil Street
Old Batlagundu Village
Nilakottai Taluk
Dindigul District-624 202.

Petitioner(s)

Vs

1. The State of Tamil Nadu, represented by
The Inspector of Police,
AWPS, Nilakottai Police Station
Dindigul District-624 208.
(Crime No. 3 of 2024)

Respondent(s)

For Petitioner(s):

Mr.Prabhu C.
T.Akash
A.Aishwarya Caroline

For Respondent(s):Mr.B.Nambiselvan
Addl.Public Prosecutor



Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, 2023 to suspend the sentence of imprisonment imposed against the petitioner in the judgement, dated 20.09.2025 made in Spl.S.C.No.39 of 2024, on the file of Honble Sessions Judge, Mahalir Neethi Mandram (Mahila Fast Track Court), Dindigul and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal.

ORDER

This Petition is filed for suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethi Mandram (Mahila Fast Track Court), Dindigul in Spl.S.C.No.39 of 2024, dated 20.09.2025 sentencing the Petitioner under Section 363 IPC for three years rigorous imprisonment with a fine of Rs.1000/-, in default, to undergo three months simple imprisonment, 7 years rigorous imprisonment under Section 366 IPC with a fine of Rs.4000/-, in default, to undergo three months simple imprisonment and 20 years rigorous imprisonment under Section 6 of POCSO Act with a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment.

2.The case of the prosecution is that the de-facto complainant/mother of the victim (aged about 16 years) complained that



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the victim went missing on 28.2.2024. The prosecution's further case is that on 1.3.2024, the victim narrated to her mother that she and the accused were in love and that on 5.1.2024 at 5.00 p.m., the accused took her and committed sexual assault on her in the coconut grove of one Murugesan. The victim further stated that on 28.2.2024, the accused kidnapped her and on 29.2.2024 on false promise of marriage, sexually assaulted the victim. The mother of the victim, therefore, on 1.3.2024 filed a complaint before the respondent Police and a case was registered under the relevant provisions of Child Marriage Act and POCSO Act against the accused and his mother(A2)

3. Before the learned sessions Judge, Fast Track Mahalir Court, Dindigul, on the side of the prosecution, 13 witnesses were examined and 23 exhibits were marked and one Material object was produced. On the side of the defence, two witnesses were examined and two documents were marked.

4. The Trial Court, after full-fledged trial, convicted and sentenced the accused as stated above. Aggrieved by the judgment of the trial Court, the appellant has filed this appeal, along with the application for



suspension of sentence.

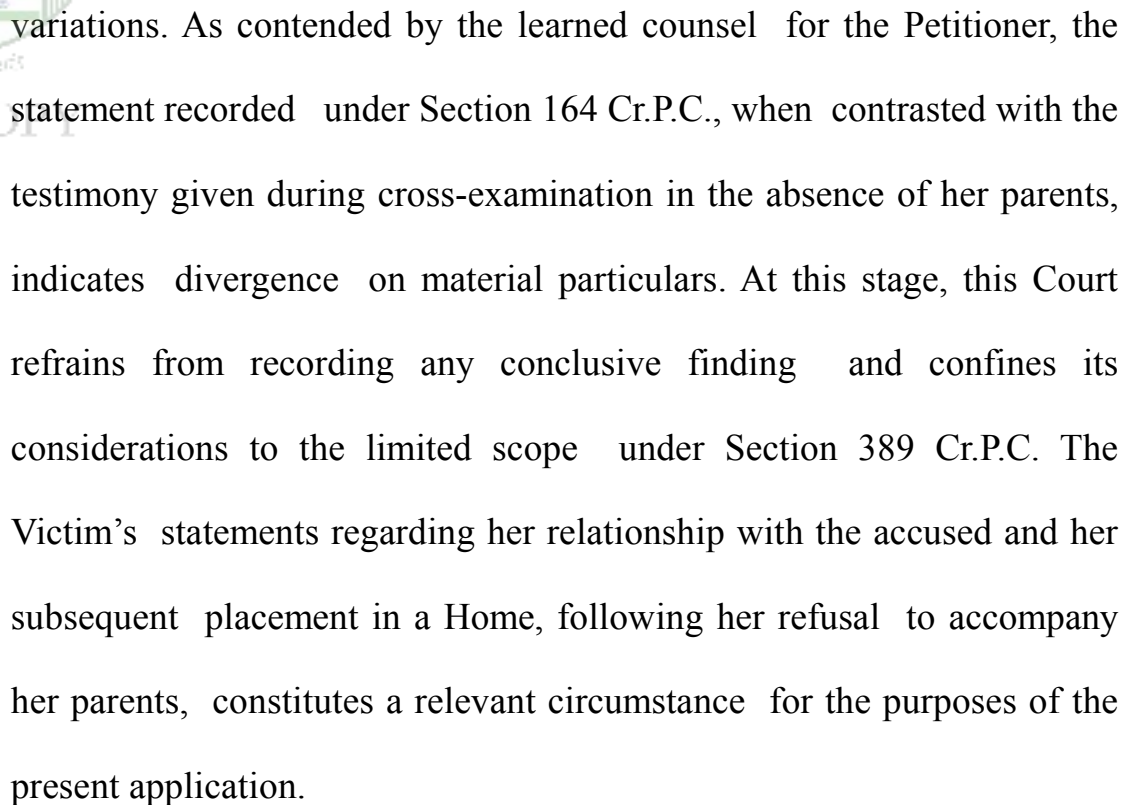
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5.The learned counsel for the petitioner submits that there were various discrepancies, contradictions in the 164 statement of the victim and her evidence before the Court during cross-examination which shows that the victim was tutored by her parents to falsely implicate the Petitioner. The learned counsel further submits that as the appeal is not likely to be heard in the near future, the Petition may be allowed..

6.The learned Additional Public Prosecutor, appearing for the respondent would submit that the trial Court after full-fledged trial and on the basis of the entire evidence placed before it, convicted the Petitioner for the offence under the POCSO Act and therefore, the Petition deserved to be dismissed.

7.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

8.On prima facie examination of the material placed on record, the victim's statements appear to disclose certain inconsistencies and



9. Having regard to the above circumstances and without entering into a detailed appreciation of evidence or expressing any opinion on the merits of the appeal, this Court is of the considered view that the requirements for suspension of sentence under Section 389 Cr.P.C are satisfied. The likelihood of the early disposal of the Criminal Appeal being remote, continued incarceration of the Petitioner is not warranted at this stage.

10. In the result, the Criminal Miscellaneous Petition is allowed.



The sentence imposed on the Petitioner shall remain suspended during the pendency of the appeal. The Petitioner shall be enlarged on bail subject to compliance with the conditions mentioned hereunder:

(i) the petitioner is directed to 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 Session Judge, Mahalir Neethi Mandram(Mahila Fast Track Court), Dindigul.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court daily at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

09-01-2026

vsn



To

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1.The Sessions Judge,
Mahalir Neethi Mandram(Mahila Fast Track Court),
Dindigul.

2.The Inspector of Police,
AWPS, Nilakottai Police Station,
Dindigul District 624 208
(Crime NO.3 of 2024)

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA.,J

vsn

ORDER MADE IN
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