



*Crl.MP(MD) No.16566 of 2025 in
Crl.A(MD) No.1188 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.16566 of 2025
in Crl.A.(MD)No.1188 of 2025

Muniyasamy

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by
The Inspector of Police,
AWPS Srivilliputhur Police Station,
Viruthunagar District.
Crime No.6/2023

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence and conviction imposed by the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District in Spl.S.C.No.50 of 2023, dated 08.10.2025 and enlarge the petitioner on bail, pending disposal of the main appeal.

For Petitioner : Mr.R.Jagadeeshwaran

For Respondent : Mr.S.Prakash
Government Advocate



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ORDER

The petitioner, an accused in Spl.S.C.No.50 of 2023, on the file of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	451 IPC	2 years RI	Rs.1,000/-	6 months RI
2	Section 7 r/w 8 of POCSO Act	3 years RI	Rs.5,000/-	3 months RI
3	Section 9(m) r/w 10 of POCSO Act	5 years RI	Rs.5,000/-	3 months RI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.50 of 2023, dated 08.10.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.1188 of 2025 and the same was admitted by this Court on 10.11.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 04.03.2023, at about 12.00 noon, while the victim child was sleeping, the petitioner entered the



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house and pinched the victim on her hip. On hearing the victim girl crying, PW1 rushed to the place of occurrence and found the petitioner lying under the bed. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner and the victim child are close relatives and there is no sexual intent on the part of the petitioner to commit the offence. PW5 to PW8, who are neighbours did not support the prosecution case. There are contradictions in the victim's statement with regard to the place of occurrence and the manner of occurrence. He further submits that the petitioner is in jail for the past 6 months and 6 days and prayed to allow this petition.

4. The learned Government Advocate appearing for the respondent submits that when the victim child aged 11 years was alone, the petitioner entered into the house and touched her hip. Apart from the evidence of the victim child, the prosecution case was also supported by the evidence of PW1 / victim's grandmother.



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

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 6 months. Considering the points raised by the petitioner, his 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.

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, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District.



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- ii. The petitioner shall stay at Coimbatore and report before the Inspector of Police, C2 - Race Course 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 respondent Police that the petitioner will not involve in any offence in future; will not disturb the victim child in future; and will not visit the occurrence village, pending appeal;.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

27.03.2026

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To

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- 1.The learned Sessions Judge,
Fast Track Mahila Court,
Srivilliputhur,
Virudhunagar District.
- 2.The Inspector of Police,
AWPS Srivilliputhur Police Station,
Viruthunagar District.
- 3.The Inspector of Police,
C2 - Race Course Police Station,
Coimbatore.
- 4.The Superintendent,
Central Prison,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madura.



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B.PUGALENDHI, J.,

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