



CrI.MP(MD) No.18003 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.18003 of 2025

in

CrI.A(MD) No.1259 of 2025

Deepa

... Petitioner

Vs.

State of Tamil Nadu through
the Inspector of Police,
Kuzhithurai All Women Police Station,
Kanniyakumari District.
[Crime No.15 of 2016]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Kanniyakumari in SplSC.No.20 of 2016 dated 09.09.2025 and enlarge the petitioner on bail, on pending disposal of the criminal appeal.

For Petitioner : Mr.K.Siva Balan
for M/S Aran Legal Consultancy
For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate



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ORDER

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The petitioner is accused No.2 in SplSC.No.20 of 2016 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari and he was tried, found guilty, convicted and sentenced to undergo five years rigorous imprisonment with a fine of Rs.1,000/- in default to undergo three months rigorous imprisonment for the offence under Section 9(n) r/w 10 r/w 17 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.1259 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 25.11.2025.

2.The case of the prosecution is that the petitioner / A2 is said to have assisted her husband/ A1 by inducing the victim girl, to have physical relationship with A1.

3.The learned counsel for the petitioner submits that the petitioner is the wife of A1. She has been unnecessarily implicated in this case. Even according to the prosecution, the petitioner is alleged to have



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pulled and pushed the victim inside the room, where A1 was staying. The victim is the petitioner's niece. The petitioner is in jail from 09.09.2025. The learned counsel further submits that the petitioner's son is suffering with blood cancer. The petitioner's husband is also absconding and there is no one to take care of her son.

4.The learned Government Advocate appearing for the respondent submits that the petitioner being aunt of the victim induced her to have physical relationship with her husband/A1. The other witnesses are close relatives of the petitioner and therefore, they did not support the case of the prosecution. A1 is absconding from the year 2022 and therefore, the case was split up.

5.This Court considered the rival submissions made.

6. The petitioner is a woman who has been prosecuted that she has assisted A1 by inducing the victim child. The petitioner is in jail from 09.09.2025. It is also reported that her 10 years old son is suffering with blood cancer. Considering that the appeal could not be taken up immediately for want of time, the petitioner's period of incarceration and



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her son's ailments, this court is inclined to allow this petition.

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7. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari.

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

(iii) If there is any change in the residence address of the petitioner, the same shall be informed to the respondent police immediately.

08.04.2026

DSK



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To

- 1.The Inspector of Police,
Kuzhithurai All Women Police Station,
Kanniyakumari District.
- 2.The Special Court for Exclusive
Trial of Cases under POCSO Act,
Kanniyakumari.
- 3.The Superintendent,
Special Prison for Women,
Madurai.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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