



*Crl.MP(MD) No.17852 of 2025 in
Crl.A(MD) No.1253 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.17852 of 2025
in Crl.A.(MD)No.1253 of 2025

Kodiyarasan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.

2.The State of Tamil Nadu
Rep. by The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.17 of 2023)

3.Manimurugan

... Respondents

(R1 and R3 are impleaded as per order of this Court dated 15.12.2025 in
Crl.M.P.(MD)No.19999/2025 in Crl.A.(MD)No.1253/2025)

Prayer: Petition filed under Section 430(1) r/w 528 of BNSS to suspend of
the sentence of imprisonment imposed by the learned Special Court for
Exclusive trial of cases under POCSO Act, 2012, Theni in Spl.S.C.No.294



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of 2023 by the Judgment dated 22.09.2025 and enlarge the petitioner /
appellant on bail, pending disposal of the above appeal.

For Petitioner : Mr.D.Rajaboopathy
For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)
R1 & R2
Mr.V.Kannan for R3

ORDER

The petitioner, sole accused in Spl.S.C.No.294 of 2023, on the
file of the learned Sessions Judge, Principal Special Court for exclusive
trial of cases under POCSO Act, Theni was found guilty by the trial Court
and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	Section 3(1)W(i) of SC/ ST (POA) Act	1 year RI	Rs.5,000/-	3 months RI
2	Section 8 of POCSO Act	4 years RI	Rs.10,000/-	6 months RI



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As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.294 of 2023, dated 22.09.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.1253 of 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 26.04.2023, at about 05.30 p.m., the petitioner hugged the victim child from behind and touched her chest. Hence, the case.

3. The learned counsel appearing for the petitioner submits that this petitioner is languishing in jail from the date of conviction i.e., 22.09.2025 and was also in jail for two months prior to that. According to him, none of the prosecution witnesses have supported the case of the prosecution. However, the trial Court by considering the evidence of victim child and the grandmother in chief examination, convicted and sentenced the petitioner. Even according to the prosecution, it is only a bad touch. He submits that this case has been foisted only for receiving the monetary benefit provided under the POCSO Act.



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4. The learned Government Advocate appearing for the respondents 1 and 2 submits that the victim child was aged about 13 years. When she was going on the road on the date of occurrence, this petitioner, a mason, went behind her, hugged her and also touched her chest. On the complaint of PW2 - father, the case has been registered. During chief examination, PW1 - victim, PW4 - grandmother and PW5 - relative have supported the case of the prosecution. However, they were not cross examined on the date of chief examination and they were cross examined after a period of one year. During cross examination, they did not support the case of the prosecution and they were treated hostile. According to him, the witnesses have supported the case of the prosecution during chief examination.

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

6. This is a case of bad touch. The victim and her grandmother who supported the case of prosecution in chief examination have turned hostile. The petitioner has also raised certain other grounds, which can be



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appreciated 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 in jail for more than 8 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.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for exclusive trial of cases under POCSO Act, Theni.
- ii. The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur Central Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner and sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in



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any offence in future; will not visit the occurrence village; and will not disturb the victim and her family, 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.

08.04.2026

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To

1.The learned Sessions Judge,
Principal Special Court for exclusive trial
of cases under POCSO Act,
Theni

2.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.

4.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.

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5.The Superintendent,
Central Prison,
Madurai.

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



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B.PUGALENDHI, J.,

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