



Crl.MP(MD) No.17307 of 2025 in
Crl.A(MD) No.1223 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.17307 of 2025

in

Crl.A(MD) No.1223 of 2025

Suthan

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vadasery Police Station,
Kanniyakumari District.
Crime No.254 of 2014

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in Spl.S.C.No.58 of 2019, dated 17.09.2025, on the file of the Special Court for exclusive trial of cases under POCSO Act, Kanniyakumari and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.G.Aravinthan

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.58 of 2019, on the file of the Special Court for exclusive trial of cases under POCSO Act, Kanniyakumari. He was tried for the offence under Section 366(A) and 341 IPC r/w Section 5(1) r/w 6 of POCSO Act, 2012 that he has taken the victim girl to Tiruppur, stayed there for two months and without her consent, he has committed penetrative sexual assault. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	366(A) IPC	5 years Rigorous imprisonment	Rs.1000/-	6 months simple imprisonment
2.	341 IPC	-	-	1 month simple imprisonment
3.	5(1)r/w 6 of POCSO Act, 2012	20 years Rigorous imprisonment	Rs.2000/-	6 months simple imprisonment



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As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.58 of 2019, dated 17.09.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1223 of 2025 and the same was admitted by this Court, by order, dated 18.11.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits that the victim girl herself has admitted that she voluntarily went out of the home along with the petitioner. The petitioner is languishing in jail from the date of judgment, I.e. on 17.09.2025. Therefore, he may be considered for grant of suspension of sentence.

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that the prosecution has established its case by examining 16 witnesses and marked 28 documents. According to the learned Government Advocate, the petitioner has induced the victim



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girl to come out of her home and subjected her to sexual assault and hence, he prays for dismissal of this petition.

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

5.Considering the facts and circumstances of the case and that the appeal could not be taken up immediately, for want of time, this Court is inclined to suspend the sentence imposed on the petitioner.

6. 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:-



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- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for exclusive trial of cases under POCSO Act, Kanniyakumari. The sureties must be responsible persons in the Society.
- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not visit the occurrence village pending the appeal and will not disturb the victim child at any point of time. The petitioner shall also file an affidavit to that effect.
- iii. The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, Tiruppur, daily at 10.30 a.m, until further orders.



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iv. 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.

27.03.2026

Index : Yes/No
Internet : Yes/No
vrn

To

1. The Special Court for exclusive trial of cases under POCSO Act, Kanniyakumari.
2. The Inspector of Police, Vadasery Police Station, Kanniyakumari District.
3. The Inspector of Police, Tiruppur North Police Station, Tiruppur.
4. The Superintendent, Central Prison, Palayamkottai.



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B.PUGALENDHI, J.,

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