



CrIMP(MD)No.18420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrIMP(MD)No.18420 of 2025
in
CrIA(MD)No.1275 of 2025

Manikandan

...Petitioner

Vs

The State rep by
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
[Crime No.999 of 2023]

... Respondent

PRAYER: Petition filed under Section 430(I) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur made in SplSC.No.38 of 2024 dated 31.10.2025 pending disposal of the above criminal appeal.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate



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ORDER

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The petitioner is sole accused in SplSC.No.38 of 2024 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and he was tried, found guilty, convicted and sentenced to undergo one month imprisonment for the offence under Section 341 of IPC and sentenced to undergo five years rigorous imprisonment with a fine of Rs.5000/-in default to undergo six months simple imprisonment for the offence under Section 8 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.1275 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 26.11.2025.

2.The case of the prosecution is that when the victim and her sister were returning from school, the petitioner intercepted and placed his hands on the breast of the victim and pushed her down. Hence the case.



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3.The learned counsel for the petitioner submits that the petitioner was aged 23 years and the victim was aged 17 years. They loved each other. However, there was some misunderstanding between them. This was projected as if the petitioner has touched the breast of the victim. The alleged occurrence is said to have taken place in the public place and therefore, this case has been foisted in order to prevent the petitioner from contacting the victim. He further submits that there is a delay of two days in lodging the complaint. There are contradictory evidences in respect of the date of medical examination on the victim. The victim herself has stated that some unknown person has committed the offence, however, the petitioner has been implicated in this case. According to the learned counsel, the petitioner is in jail from the date of conviction on 31.10.2025.

4.The learned Government Advocate appearing for the respondent submits that the petitioner and the victim are residing in the same locality. The petitioner has touched the breast of the victim while she was returning from school along with her sister. The trial court has considered all the points raised by the petitioner and answered.



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5.This Court considered the rival submissions made.

6. The petitioner has raised certain arguable points which can be appreciated during final hearing of the appeal. However, the appeal could not be taken up for want of time. Considering that the appeal could not be taken up immediately for want of time and the petitioner's period of incarceration this court is inclined to allow this petition.

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.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence and pending this criminal appeal, he will



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not visit the occurrence village.

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(iii) The petitioner shall stay at Chennai and report before the Inspector of Police, S1.Saint Thomas Mount Police Station daily at 10.30am.

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

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

08.04.2026

DSK

To

- 1.The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
- 2.The Sessions Judge,
Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur.
- 3.The Superintendent,
Central Prison,
Trichy.



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Copy to

- 1.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Inspector of Police,
S1.Saint Thomas Mount,
Chennai.



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B.PUGALENDHI.J.,

DSK

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