



CrIMP(MD)No.20668 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2026

CORAM:

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

CrIMP(MD)No.20668 of 2025
in
CrIA(MD)No.1387 of 2025

Mayakrishnan

...Petitioner

Vs

The State of rep by
the Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
[Crime No.372 of 2020]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed on the petitioners in the judgment and conviction delivered by the Sessions Judge Additional POCSO Court, Thoothukudi in SplSC.No.17 of 2021 vide judgment dated 13.08.2025 and enlarge the petitioner on bail pending disposal of the main criminal appeal before this court.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.S.Prakash,

Government Advocate



CrIMP(MD)No.20668 of 2025

ORDER

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The petitioner is the sole accused in SplSC.No.17 of 2021 on the file of the learned Sessions Judge, Additional POCSO Court, Thoothukudi. He was tried, found guilty by the trial Court for the offence under Section 3 r/w Section 4(1) of the Protection of Children From Sexual Offences Act and convicted and sentenced to undergo ten years rigorous imprisonment with fine of Rs.3000/-, in default, to undergo rigorous imprisonment for six months. As against the conviction and sentence imposed by the trial Court in SplSC.No.17 of 2021, dated 13.08.2025, the petitioner has filed a Criminal Appeal in CrI.A(MD)No. 1387 of 2025 and the same was admitted by this Court on 02.01.2026. Along with the appeal, 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 the petitioner and the victim had loved each other and on the promise of marrying her, the petitioner has taken the victim to a secluded place and had physical relationship with her. Hence the case.



CrIMP(MD)No.20668 of 2025

3.The learned counsel appearing for the petitioner by referring to the evidence of PW1 victim girl submits that even according to the victim she had loved the petitioner and she compelled the petitioner to take her along with him, since her parents were making marriage arrangements for her with another person. He further submits that the victim has not stated that they had physical relationship. However, the trial court has convicted the petitioner for the offence under Section 3 r/w Section 4(1) of POCSO Act and imposed 10 years of rigorous imprisonment. He further submits that the petitioner is in jail from 13.08.2025.

4.The learned Government Advocate submits that the petitioner is a history sheeted rowdy and it was opened on 20.10.2020 and he is having the following cases:

Sl. No	Police Station	Crime No.	Offence	Stage of the case
1	Viruveedu	343/2020	269 IPC	Referred
2	Voimedu	276/2015	294(b), 352, 506(1) IPC	Disposed
3	Pudukottai	515/2020	379 IPC	Disposed
4	Puthiyamputhur	54/2023	380 IPC	Disposed
5	”	53/2023	380 and 457 IPC	Disposed



CrIMP(MD)No.20668 of 2025

6	”	373/2020	379IPC @ 34 and 379 IPC	Disposed
7	”	372/2020	Girl Missing @ 5(l), 6 of POCSO Act	Disposed
8	”	370/2020	379IPC @ 34 and 379 IPC	Disposed
9	”	318/2020	188 and 269 IPC	Referred
10	”	80/2019	294(b), 353, 506(1) IPC	PT
11	”	79/2019	454, 511 IPC @ 380, 454, 511	Disposed
12	”	37/2019	279,337 @ 279, 337, 338 IPC	Disposed
13	”	247/2016	380, 454 IPC	Disposed
14	”	111/2016	380, 457 IPC	PT
15	Thattaparai	180/2020	224 IPC	Disposed
16	Tiruchendur	142/2018	279 and 338 IPC	Disposed

The learned Government Advocate submits that it is a case of love affair and the victim has married another person and is living separately.

5.The learned counsel for the petitioner disputed the antecedents projected by the respondent as against this petitioner. PW2 / the father has stated that they had warned the victim not to have any contact with the petitioner, however she continued her relationship with the petitioner. Therefore, according the learned Counsel all these were foisted at the instance of PW2. He further submits that these case are registered either prior to or after registration of the case in Crime No.372 of 2020.



CrIMP(MD)No.20668 of 2025

WEB COPY

6.This court has considered the rival submissions made.

7.This is a case of Romeo-Juliet clause. The victim girl has admitted that it is a love affair between the petitioner and her and she only compelled the petitioner to take her along with him. Though the prosecution has projected that the petitioner is having several other cases, it appears most of the cases are registered just prior to the registration of the present case or immediately after the registration of the present case in Crime No.372 of 2020. Therefore, this court is inclined to allow this petition.

8.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner 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) with two sureties each for a like sum, to the satisfaction of the Sessions Judge, Additional POCSO Court, Thoothukudi.

(ii)The petitioner shall file an affidavit before the respondent



CrIMP(MD)No.20668 of 2025

police that he will not misuse this liberty and will not indulge in any further offence and he will also be available for the appeal proceedings and he will not visit the occurrence village pending the appeal.

(iii)The petitioner shall stay at Trichy and report before the Inspector of Police, Palakarai Police Station, Trichy daily at 10.30 am.

(iv)If the petitioner changes his residence, the address 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.

09.04.2026

DSK

To

1.The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.

2.The Sessions Judge,
Additional POCSO Court,
Thoothukudi.

3.The Superintendent,
Central Prison,
Palayamkottai.



CrIMP(MD)No.20668 of 2025

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Copy to

- 1.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Inspector of Police,
Palakarai Police Station, Trichy.



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CrIMP(MD)No.20668 of 2025

B.PUGALENDHI.J.,

DSK

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