



Crl.M.P.(MD)No.19927 of 2025

in Crl.A.(MD)No.1346 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.19927 of 2025

in Crl.A.(MD)No.1346 of 2025

Ramesh @ Kishore Kumar

... Petitioner

versus

The State of Tamilnadu, Rep. by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner in Spl.S.C.No.41 of 2019 on the file of the Special court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District, by Judgment dated 16.10.2025, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Arul

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.41 of 2019 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District. He was tried for the offence under Section 324 IPC and Section 9(l), 9(m) r/w.10 of POCSO Act that he abused the victim child aged about 9 years, by touching her private parts. After the trial, the trial Court, by its Judgment dated 16.10.2025, found the petitioner guilty, convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	324 IPC	2 years rigorous imprisonment	Rs.2,000/-	Six months simple imprisonment
2.	9(l), 9(m) r/w. 10 of POCSO Act	5 years rigorous imprisonment	Rs.3,000/-	Six months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1346 of 2025 and the same was admitted on 15.12.2025. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.



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2. The learned counsel appearing for the petitioner submits that the allegation against the petitioner is that he abused the victim child by touching her private parts. According to the prosecution, there were two incidents, one on 06.08.2018 at about 4.30 p.m. and another incident on 02.10.2018. However, the complaint was lodged only on 12.10.2018, i.e. after 10 days from the second incident. Originally, the mother of the victim girl received a sum of Rs.3 lakh from the petitioner and so far, she returned a sum of Rs.1,30,000/- only. When the petitioner demanded her to return the balance amount, the father of the victim child along with his friend went to the petitioner's house on 11.10.2018 at night and threatened and attacked him brutally. As a result, the petitioner was admitted to a hospital, where, he was immediately arrested by Iraniel Police from the Hospital and taken to the Colachel AWPS Police Station on 12.10.2018 at about 10.00 a.m. and he was informed that a POCSO case had been registered against him.

3. The learned counsel for the petitioner further submits that D.W.2, in his evidence, has clearly deposed that the petitioner had sustained injuries over his backside, left shoulder and right leg, however, the prosecution has suppressed the injuries caused to the petitioner. He further submits that Ex.D2-3/10



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CDR report clearly established that the parents of the victim were in continuous communication with the petitioner and 73 calls have been recorded in between 01.09.2018 and 30.09.2018. He further submits that in order to prove the money transaction, Ex.D5-Challan for the money transaction to relative of the defacto complainant, Ex.D6-Receipt of pledging gold of the petitioner, Ex.D7-Receipt of pledging gold in the name of the mother of the victim, Ex.D8 – Document handed over by P.W.2 to the petitioner for recurring deposit were marked on the defence side.

4. The learned counsel for the petitioner further submits that P.W.3 absconded from the hospital during the treatment, but, the prosecution has recorded as if the petitioner has absconded from the hospital and later, he was arrested by the P.W.12 on 12.10.2018. However, P.W.3, in his cross examination has clearly admitted that the petitioner was arrested by the police on 11.10.2018 at the Asaripallam Government Hospital. He further submits that no medical examination was conducted to the victim and it is in violation of Section 27 of the POCSO Act. According to him, the petitioner is not having any bad antecedent and he is in jail for nearly 176 days and therefore, he seeks to grant bail to the petitioner.



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5. The learned Government Advocate (Crl. Side) submits that the victim's family is residing in the ground floor and the petitioner is residing in the second floor of the same building. On 06.08.2018 at about 4.30 p.m., the petitioner called the victim child to the upstairs and touched the private parts above her dress and the same was informed by the victim to P.W.2. When the same was enquired by P.W.2, the petitioner informed that the victim child was like his daughter. Subsequently, on 02.10.2018 at about 11.30 a.m., when the victim child was playing outside her house, the appellant again touched the victim child inappropriately in her private parts above her dress and the same was again immediately informed to P.W.2. Hence, the father of the victim child went to the petitioner's house and warned the sister of the petitioner. Following that, on 11.10.2018, at night, the father of the victim child went to the house of the petitioner along with his friends and quarrelled with the petitioner, at that time, the petitioner assaulted the father of the victim child and caused simple injury. Apart from that, the petitioner has also abused the mother of the victim child. Therefore, he strongly opposed to grant bail to the petitioner.



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6. This Court considered the rival submissions made.

7. The allegation against the petitioner is that he had abused the victim child aged about 9 years by touching her private parts above the dress. Admittedly, there were two incidents, one incident on 06.008.2018 and another incident on 02.10.2018. The petitioner has established a case before the trial Court by marking CDR report of his mobile phone that P.W.2 and P.W.3 were in continuous communication with him and 73 calls have been recorded in between 01.09.2018 and 30.09.2018. The first occurrence had taken place on 06.08.2018 and thereafter, the second occurrence had taken place on 02.10.2018, however, there was a delay of 10 days in reporting the incidents. Further, the petitioner has also established the money transaction by marking the documents, namely, Exs.D5 to D8.

8. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time. Further, the petitioner is in jail for nearly 176 days.



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9. Considering the points raised by the petitioner, his period of incarceration and also considering the fact that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.

10. 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 Rs.25,000/- (Rupees twenty five 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, Nagercoil, Kanyakumari District.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.



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(iv) The petitioner shall stay at Chennai and appear before the Inspector of Police, Thousand Lights Police Station, Chennai, daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will not visit the occurrence place and not disturb the victim child and her family members at any point of time.

(vi) 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.

15.04.2026

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To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act,
Nagercoil, Kanyakumari District.
2. The Superintendent,
Central Prison, Palayamkottai.
3. The Inspector of Police,
Thousand Lights Police Station,
Chennai.

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4. The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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