

MOORTHY Vs The State Represented by The Inspector of Police

MOORTHY Vs The State Represented by The Inspector of Police

SooperKanoon Citation : sooperkanoon.com/1417140

Court : Chennai

Decided On : Feb-03-2026

Judge : Honourable Mr.Justice Sunder Mohan

Appeal No. : CRL MP/903/2026

Appellant : Moorthy

Respondent : The State Represented by The Inspector of Police

Judgement :

in

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN in Moorthy S/o. Sakkaravarthi, No.22/A, Theradi Street, Dhevanur Village & Post, Melmalaiyanur Taluk, Villupuram Taluk. ..Petitioner Vs. The State rep. By The Inspector of Police, Tiruvannamalai Rural All Women Police Station, Tiruvannamalai District. (Crime No. 33 of 2018) ..Respondent Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS in to

suspend the sentence imposed on the petitioner by judgment dated 28.11.2025 in Spl.S.C. No. 81 of 2020 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai and enlarge the petitioner on bail pending disposal of the criminal appeal. For Petitioner :: Mr.K.V. Muthu Visakan For Respondent :: Mr.S. Balaji, Govt. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 28.11.2025 in Spl.S.C. No. 81 of 2020 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/A3 in Spl. S.C. No. 81 of 2020 was convicted and sentenced by the Trial Court by judgment dated 28.11.2025 for the

in following offences: Section of Offence Sentence imposed Section 366 (A) IPC 10 years rigorous imprisonment and to pay a fine of Rs. 10,000/- carrying a default sentence of simple imprisonment for a period of 6 months. Section 6 r/w 5(l) r/w 17 of POCSO Act, 20 years rigorous imprisonment and to 2012 pay a fine of Rs. 10,000/- carrying a default sentence of simple imprisonment for a period of 6 months.

Aggrieved by the same, he filed Crl.A.No.53 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. It is the case of the prosecution that the petitioner

arrayed as A3 had abetted the first accused in the commission of offence under Section 6 of POCSO Act, 2012; that on 03.10.2018, accused Nos.

1 and 2 along with the petitioner had forcibly taken the victim in a car; that the first accused took her to the house of his sister at Vellore; that in the presence of the petitioner and the second accused, on 05.10.2018, the first accused had married the victim by tying a thali and thereafter, had forcible

in sexual intercourse with the victim; when the victim came to know that her parents had given a complaint and the Police were in search of her, she left the place and reached Tiruvannamalai Bus stand; from there, her grandfather took her to the Police Station, where a complaint was lodged.

4. The learned counsel for the petitioner would submit that

the victims version is improbable; that the victim and the first accused had a love affair; that she had voluntarily gone with the first accused; that at the time of the alleged occurrence, the victim was 17 years and 10 months old, even according to the prosecution; that the age of the victim had not been established beyond reasonable doubt; that the victim had been compelled to depose falsely and that in any case, the petitioner had not committed any offence and the allegation against him would not attract the offence of abetment of the offence under the POCSO Act.

5. Heard the learned Government Advocate (Crl.Side) and perused the counter affidavit. in

6. According to the prosecution, the victim was aged 17

years and 10 months at the time of occurrence and the age of the victim is disputed by the defence. There is force in the contention of the learned counsel for the petitioner that there was a love affair between the victim girl and the first accused. The petitioner is accused of abetment. Considering the above said facts; the inconsistencies in the prosecution case pointed out by the petitioner and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of

suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands

allowed and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions: (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai;

in (ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court. 03.02.2026 nv

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai. in
2. The Inspector of Police, Tiruvannamalai Rural All Women Police Station, Tiruvannamalai District.
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras. in

SUNDER MOHAN,J.

nv in Crl.A.No.53 of 2026 03.02.2026

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com