



CRL MP. 16709 of 2024 in
CRL A NO.1168 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

**CRL MP. 16709 of 2024
IN CRL.A.NO.1168 OF 2024**

BALAKRISHNAN
S/O.THOTHTHAN, SAAGURAMPATTI,
VIDUTHUKULAM POST,
THIRUMANGALAM,
MADURAI.

...

APPELLANT

Vs

THE STATE OF TAMIL NADU, REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGEYAM,
CR.NO.12/2015.

...

RESPONDENT

For Appellant : MR.S.KAMARAJ

For Respondent : DR.C.E.PRATAP,
GOVT. ADVOCATE (CRL.SIDE)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and conviction dated 22.01.2019 in Spl.S.C.No.14 of 2016 passed



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by the learned Magalir Neethimandram (Fast Track Mahila Court), Tiruppur

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and enlarge the petitioner on bail, pending disposal of the appeal.

2. The case of the prosecution is that, the petitioner was acquainted with the victim's family and that on 02.12.2015, after coming to know that the victim was alone in her school, he took the victim to Palani and thereafter to Dharapuram, made her stay in the quarters attached to a Mill where the second accused was working and the petitioner had sexual intercourse with the victim. On the complaint given by the father of the victim, the victim was traced on 04.12.2015.

3. The petitioner/A.1 in Spl.C.C.No.14 of 2016 was convicted by the Trial Court by judgment dated 22.01.2019 and sentenced to undergo Rigorous Imprisonment for 7 years alongwith fine of Rs.5,000/- for the offence under Section 363 IPC and in default, to undergo additional rigorous imprisonment for one year for the above offence and sentenced to undergo Rigorous Imprisonment for 10 years alongwith fine of Rs.15,000/- for the offence under Section 4(l) r/w 6 of POCSO Act, in default, to undergo additional rigorous imprisonment for two years for the above offence.

Aggrieved by the same, the petitioner/A.1 filed Crl.A.No.1168 of 2024 along



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with the instant miscellaneous petition seeking suspension of sentence and
bail.

4. The learned counsel for the petitioners would submit that the petitioner is in custody from 22.01.2019 and during trial, he was in custody for about five months; and that he is in continuous incarceration for almost five years and hence may be considered for suspension of sentence.

5. The learned Govt. Advocate (crl.side), on instructions, would confirm the fact that the petitioner is in custody for almost five years and during investigation, he was in custody for about five months.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the records.

7. Considering the fact tht the petitioner has served more than half of the sentence imposed by the trial Court and the fact that 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.



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8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended 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/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur
- (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.

09.12.2024

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Issue order copy by 11.12.2024
Upload the order copy forthwith.



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SUNDER MOHAN, J.

rgt

To

1. The Sessions Judge,
Magalir Neethimandram
(Fast Track Mahila Court),
Tiruppur

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGEYAM.

3. THE SUPERINTENDENT
CENTRAL PRISON,
COIMBATORE.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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