



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.M.P.No.19913 of 2025

in Crl.A.No.1636 of 2025

Gokul @ Gokulakrishnan

...Petitioner

Versus

The State of Tamil Nadu,
Rep. by its
Inspector of Police (Crime)
G-3, Kilpauk Police Station,
Chennai – 600 010.
(Crime No.85 of 2023)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023 praying to suspend the sentence imposed in S.C.No.429 of 2023 on the file of XVIIIth Additional City Civil Court at Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.T.Senthil Kumaran

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned XVIIIth Additional District and Sessions Judge, Chennai vide Judgment dated 19.03.2025 in S.C.No.429 of 2023 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The Petitioner is Accused No.1 in S.C.No.429 of 2023 on the file of XVIIIth Additional City Civil Court, Chennai. The Petitioner/Accused No.1 was found guilty for commission of offence under Sections 394, 392 r/w. 397 of IPC. Therefore, the Trial Court vide Judgment dated 19.03.2025

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in S.C.No.429 of 2023, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 394 of IPC	To undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment.
2	Under Section 392 r/w. 397 of IPC	To undergo 10 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.

Aggrieved by the said conviction and sentence, Petitioner/Accused No.1 has preferred the present Criminal Appeal.

3. The learned counsel for Petitioner/Accused No.1 submitted that Petitioner/Accused No.1 is the sole bread winner of his family. Since Petitioner/Accused No.1 has been under the judicial custody since 19.03.2025, his aged parents are financially struggling a lot to eke out their livelihood. The Petitioner/Accused No.1 is ready to abide any condition to



be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the Petitioner/Accused No.1 may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for respondent Police submitted that before the Trial Court, it was proved by the prosecution that on the date of occurrence, Petitioner/Accused No.1 and Accused No.2 had jointly assaulted P.W.1 and they had stolen 1 Sovereign Chain from P.W.1. Hence, the Trial Court had rightly convicted the Petitioner/Accused No.1 under Sections 394, 392 r/w. 397 of IPC. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to Petitioner/Accused No.1.

5. Heard the learned counsel on both sides and perused the materials available on record.



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6. Considering the submissions made by the learned counsel for Petitioner/Accused No.1 coupled with the quantum of punishment imposed on Petitioner/Accused No.1 and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the Petitioner/Accused No.1 shall be suspended and the Petitioner/Accused No.1 shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of Trial Court;



(ii) The Petitioner/Accused No.1 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The Petitioner/Accused No.1 shall appear before the respondent Police on every Tuesday and Sunday at 10.30 a.m. and also, he shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of Criminal 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 355 of BNSS, 2023 and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court.

8. With the above directions, this Criminal Miscellaneous Petition is allowed.

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

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To

1.XVIIIth Additional City Civil Court,
Chennai.

2.The Inspector of Police (Crime)
G-3, Kilpauk Police Station,
Chennai – 600 010.

3.The Superintendent,
Central Prison 1,
Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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