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CRL MP No. 18814 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18814 of 2025

AND

CRL A NO. 1621 OF 2023

Balakrishnan @ Bala
S/o.Krishnan, No.12/24 Rajiv Ganthi
Naar, Idayarpalayam, Coimbatore.
(Now confined as Convict Prisoner
Central Prison, Coimbatore)

Petitioner(s)

Vs

STATE BY The Inspector of Police,
All Women Police Station (Central)
Coimbatore. Cr.No.10 of 2018.

Respondent(s)

CRL MP No. 18814 of 2025

PRAYER

To suspend the sentence imposed against the petitioner on 27.08.2021 in Spl.CC.No.69/2019 on the file of the Learned Special Judge for Exclusive Trial of cases under POCSO Act, Coimbatore and release the petitioner on bail till the disposal fo the criminal appeal



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For Petitioner(s): Mr. P.Pugalenth

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Special Judge for Exclusive Trial of cases under POCSO Act, Coimbatore, in Spl.C.C.No.69 of 2018 dated 27.08.2021 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.C.C.No.69 of 2019 on the file of the learned Special Judge for Exclusive Trial of cases under POCSO Act, Coimbatore. He was found guilty of the offences under Section 450 of I.P.C. and Sec. 6 of POCSO Act and he has been convicted and sentenced as under :-

S.No.	Conviction	Sentence
1	Section 450 of I.P.C.	to undergo rigorous imprisonment for a period of ten years and to pay a sum of Rs.10,000/-, in default, to undergo R.I. for two years .
2	Section 6 of POCSO Act	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for further period of two years.



Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

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3. The learned counsel for the petitioner/accused would submit that that he has been falsely implicated in this case as if he had committed sexual assault to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that nearly about four years from the date of judgment dated 27.08.2021, he is in judicial custody. He would also submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that the petitioner is aged about 33 years and the victim is aged about 17 years at the time of occurrence and both were married persons. Further, he would contend that he has no bad antecedents and the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



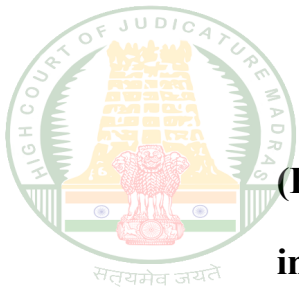
5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

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6. On seeing the facts, it reveals that both the victim and the petitioner were got married and having family, due to his incarceration, the petitioner's family is starving for their livelihood and he is in custody from the date of judgment i.e. on 27.08.2021 for more than four years and he has no bad antecedents. Furthermore, as on date, victim girl also got married and settled in her life and he is ready to abide any condition as imposed by this court. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

- (a) The petitioner/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/-**



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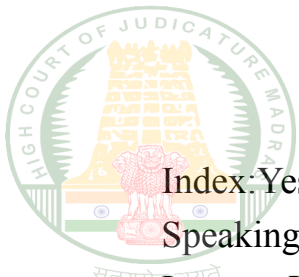
(Rupees Twenty Five Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of cases under POCSO Act, Coimbatore.**

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) **The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three months and he shall also appear before Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and he shall not have any communication with the victim girl and his family 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.**

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

10-10-2025



Index: Yes/No

Speaking/Non-speaking order

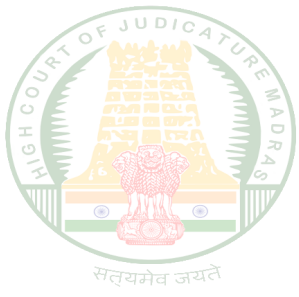
Internet: Yes

Neutral Citation: Yes/No

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To

1. Special Judge for Exclusive Trial of cases under POCSO Act, Coimbatore
2. The Inspector of Police,
All Women Police Station (Central) Coimbatore.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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