



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20132 of 2025

AND

CRL A NO. 710 OF 2025

1. Bala @ Balakrishnan
S/o. Rathinam, No.6, Muthamizh
Nagar, Kuduvanchery, Kanchipuram
District. (Now Detained as a convict
Prisoner, Central Prison-1, Puzhal
Chennai 66.)

Petitioner(s)

Vs

1. State by The Inspector of Police,
W-20 All Women Police Station,
Saidapet, Chennai-600 015. Cr.No.5 of
2019.

Respondent(s)

PRAYER

To suspend the sentence imposed against the petitioner on 27.2.2023 in Spl.S.C.No.9 of 2021 on the file of the Learned Sessions Court, Special Court for Exclusive trial of POCSO Act, Chennai and enlarge the petitioner on bail till the disposal of the criminal appeal.



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For Petitioner(s): M/s.P.PUGALENTHI
G.Muralidharan

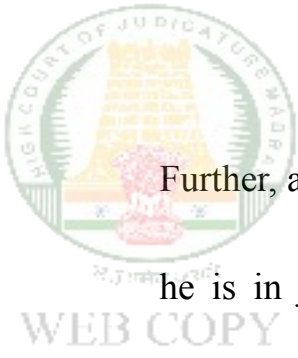
For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner on 27.2.2023 in Spl.S.C.No.9 of 2021 on the file of the Learned Sessions Court, Special Court for Exclusive trial of POCSO Act, Chennai and enlarge the petitioner on bail till the disposal of the criminal appeal.

The Trial Court found the petitioner guilty for the offence under Sections 6 r/w 5(g)(n) of POCSO Act, 2012 with alternative charges under Section 376 DB of IPC @ 376 AB of IPC and sentenced him to undergo 20 years Rigorous Imprisonment and to pay a sum of Rs.5000/-, in default to undergo one month Simple Imprisonment. Aggrieved over the same, the appellant filed the appeal along with this Miscellaneous Petition.

The learned counsel for the petitioner submits that based on the complaint of the victim's mother, the petitioner has been falsely implicated in this case as if he along with A1 committed penetrative sexual assault against the victim.



Further, at the time of the occurrence the petitioner was aged about 42 years and he is in jail for the past 2 ½ years. Further he would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/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. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt and, on instruction, he admits that Rs.7 lakhs compensation was awarded to the victim. 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. 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 petitioners/accused are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Court, Special Court for Exclusive trial of POCSO Act, Chennai. Further, the petitioner shall not have any communication with the victim



girl.

(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 Trial Court on the first and last working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

30-10-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

- 1.The Sessions Court, Special Court for Exclusive trial of POCSO Act, Chennai.
2. The Central Prison – I, Puzhal, Chennai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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