



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22774 of 2025 AND CRL A NO. 512 OF 2023

1. BALU

S/O. Kalaiyamurthy, Mariyamman Koil
Street, Kuyilapalayam, Panrutti Taluk,
Cuddalore District.

Petitioner(s)

Vs

1. State by

Inspector of Police, Cuddalore O.T.
Police Station, Cuddalore District.
Crime No.97 of 2021

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner herein by the learned Special Judge (for POCSO ACt cases), Cuddalore, Cuddalore District made in Special Sessions Case No.37 of 2021 by Judgment dated on 28.11.2022 and enlarge him on bail pending disposal of the above Appeal on the file of this Honble Court.

For Petitioner

Mr.G.P.Sivakumar

For Respondent

Mr.V. Meganathan,
Government Advocate

ORDER



WEB COPY

This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed on the petitioner herein by the learned Special Judge (for POCSO ACT cases), Cuddalore, Cuddalore District made in Special Sessions Case No.37 of 2021 by Judgment dated on 28.11.2022 and enlarge him on bail pending disposal of the above Appeal on the file of this Court.

2. The petitioner herein is the accused in Sessions Case No.37 of 2021 on the file of learned Special Judge (for POCSO Act cases), Cuddalore, Cuddalore District. He was convicted under Section 366 of IPC and Section 5(1) and Section 6 of the POCSO Act and sentencing him to undergo Rigorous imprisonment for 10 years for the offence under section 366 of IPC and also sentencing him to pay Rs.2,000/- as fine in default to undergo 3 months simple imprisonment and also convicting him for the offence under Section 5(1) and 6 of the POCSO Act r/w Section 376(3) of Cr.P.C and sentencing him to undergo 20 years rigorous imprisonment and to pay fine of Rs.2,000/- and in default to undergo 3 months simple imprisonment and both the sentences shall run concurrently. Challenging the same the petitioner has filed the present petition.



3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal appeal and the petitioner/accused has 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. Heard both sides and perused the materials available on record.

5. 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, 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.

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

(a) the petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, in which one



WEB COPY



surety must be a blood related surety, each for a like sum to the satisfaction of the learned Special Judge (for POCSO Act cases), Cuddalore, Cuddalore District.

(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 every wednesday at 10.30 a.m., until the disposal of the 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 the date of his absence, as directed by the trial Court.

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



27-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To.

1. The learned Special Judge (for POCSO Act cases), Cuddalore, Cuddalore District.
2. The Inspector of Police, Cuddalore O.T. Police Station, Cuddalore District.
3. The Superintendent Central Jail, Cuddalore
4. The Public Prosecutor, High Court, Madras



WEB COPY

CRL MP No. 22774 of 2025



T.V.THAMILSELVI, J.

smn

**CRL MP No. 22774 of
2025
AND CRL A NO. 512 OF
2023**

27-11-2025