



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 8760 of 2026

IN

CRL RC NO. 1104 OF 2026

Kavibalan
S/o. Chithiraivelan,
No.2/277, East Street, K. Valasai,
Manjakollai,
Paramakudi,
Ramanathapuram-623 527.

..Petitioner(s)

Vs

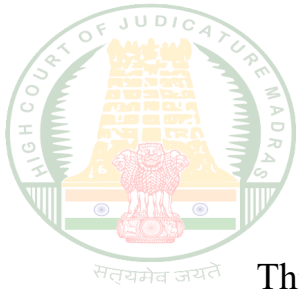
State of Tamil Nadu represented by
The Sub Inspector of Police,
South Police Station,
Tiruppur District.
Crime No.503/2024

..Respondent(s)

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to enlarge the petitioner on bail by Suspending the Sentence imposed upon him in C.C. No.470 of 2024 on the file of the Learned Judicial Magistrate No.II, Tiruppur dated 04-09-2024, which was confirmed in C.A. No.315 of 2024 on the file of the Learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur dated 12-05-2026 pending disposal of the Criminal Revision Petition.

For Petitioner(s): Ms.S.Pomnazhi for Mr.S. Anbazhagan

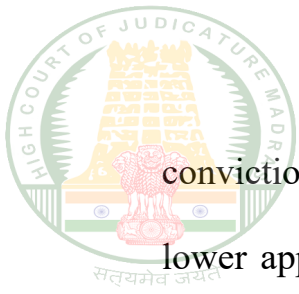
For Respondent(s): Mr.M.Dinesh, GA (Crl.Side)

**ORDER**

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This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner Kavibalan, praying to suspend the sentence, imposed on the Revision Petitioner, in C.A. No.315 of 2024, dated 12.05.2026, by the Learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, confirming the Judgement of conviction and sentence and order, dated 04.09.2024, made in CC.No.470 of 2024, by the Learned Judicial Magistrate No.II, Tiruppur, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner (A2) was convicted for the offences punishable under Sections 296(b), 115(2) (2 counts), and 351(3) of the BNS and sentenced to undergo Rigorous Imprisonment for a period of three months for the offence under Section 296(b) of BNS, Rigorous Imprisonment for a period of one year for each count under Section 115(2) of BNS along with a fine of Rs.5,000/- for each count (in default to undergo further Simple Imprisonment for a period of one month for each count), and Rigorous Imprisonment for a period of one and half years along with a fine of Rs.10,000/- (in default to undergo further Simple Imprisonment for a period of one month) under Section 351(3) of BNS. The Trial Court further directed that the sentences imposed upon the petitioner shall run consecutively. The impugned judgement of

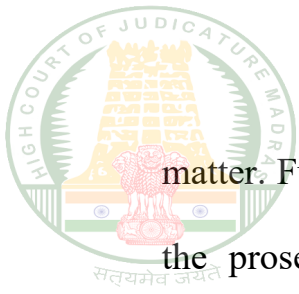


conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order in C.A. No.315 of 2024. The fine amounts have already been remitted by the petitioner.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the main Criminal Revision Petition along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Ms.S.Pomnazhi representing counsel for Mr.S. Anbazhagan, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioner has submitted that the alleged occurrence is stated to have taken place near a busy public square namely Tiruppur Old Bus Stand, where several independent persons would have been present, yet the prosecution failed to examine any independent witnesses and relied solely on interested witnesses. It was argued that the evidence contains material contradictions and inconsistencies which go to the root of the



matter. Further, the medical records reflect that the alleged injuries sustained by the prosecution witnesses are simple in nature, and no specific overt act involving the use of any weapon has been attributed to this petitioner, who is categorized as A2 and alleged to have assaulted only by hand. Furthermore, though CCTV cameras were admittedly available at the place of occurrence, the prosecution failed to produce any footage. The learned counsel argued that both the Trial Court and the Appellate Court failed to properly consider these infirmities, deficiencies, and lack of independent corroboration, rendering the concurrent judgments unsustainable in law.

6.It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7.Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has



been assured on behalf of the Revision Petitioner that he is a permanent resident with deep roots in the society, making it impossible for him to abscond. He is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

8.The learned Government Advocate (Criminal Side) for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

9.Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Govt. Advocate (Criminal Side) for the Respondent, this Court is of the view that there are material contradictions regarding the appreciation of evidence on record and the judgments were passed without safely establishing the case beyond reasonable doubt, especially given the lack of independent witnesses and CCTV evidence in a public area. During the trial and appeal stage, the petitioner was also not in jail.

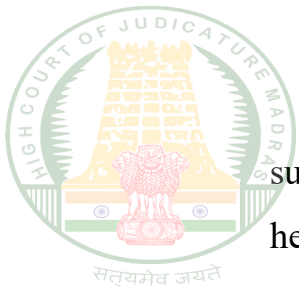


10. Further, it is observed that when the accused has substantial points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of ***Rabi Prakash Vs. The State of Odisha reported in 2023 Live Law (SC) 533*** is of relevance.

11. The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, **Kavibalan** on the following conditions:-

- i. The Revision Petitioner shall surrender before the Learned **Judicial Magistrate No.II, Tiruppur**, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of **Rs.15,000/-** (Rupees fifteen thousand only) each,



subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.

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ii. The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

iii. The Petitioner shall appear before the Learned Judicial Magistrate No.II, Tiruppur once in every month, ie., on 3rd day of every month commencing from the month of July 2026 at 10.30 a.m., until further orders.

iv. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

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

03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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SHAMIM AHMED, J.

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To

1.The Sub Inspector of Police,
South Police Station,
Tiruppur District.

2.Judicial Magistrate No.II,
Tiruppur.

3.The Public Prosecutor,
Madras High Court.

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