



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18207 of 2026

Ramesh
S/o.Thangasamy,
Yanimudi Division,
Periyapaarai Estate,
Moonar Post,
Devikulam Taluk,
Kerala.

..Petitioner

Vs

The State represented by
the Inspector of Police
Avinashipalayam Police Station,
Tiruppur District.
Crime No.136 of 2016.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for entire records in respect of the order passed by Learned 1st Additional District and Sessions Judge, Tiruppur in CrI.M.P.No.1 of 2026 in C.A.No.34 of 2026 dated 22.04.2026 and to set aside the same by suspending the sentence imposed upon the petitioner by the Learned Additional Assistant Sessions Court, Tiruppur in S.C.No.108 of 2018 dated 18.12.2025 and grand bail.

For Petitioner(s):

Mr.Vignesh.M

For Respondent(s):

Mr.R.Rajasekaran
Government Advocate (Criminal Side)



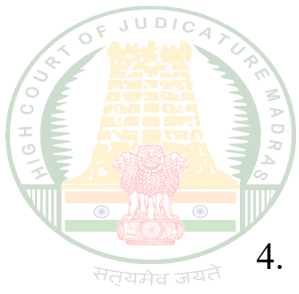
ORDER

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The Criminal Original Petition has been filed challenging the order dated 22.04.2026 passed in Crl.M.P.No.1 of 2026 in C.A.No.34 of 2026. By the said order, the petitioner's prayer for suspension of sentence and enlargement on bail was dismissed by the lower Appellate Court.

2. The lower Appellate Court, while dismissing the petition, took into consideration the gravity of the offences alleged under Sections 457 and 395 read with Section 397 of IPC and the fact that a sentence of seven years imprisonment had been imposed for the offence under Section 395 read with Section 397 of IPC. The lower Appellate Court further observed that the records had already been received from the trial Court and that the appeal itself could be disposed of expeditiously.

3. I have considered the submissions made by the learned counsel appearing for the petitioner. The learned counsel submitted that the petitioner had undergone incarceration for a period of about six months even prior to his conviction and that, subsequent to the judgment of conviction dated 18.12.2025, the petitioner has been continuously in custody. Therefore, he prayed that the sentence imposed on the petitioner may be suspended and that he may be enlarged on bail.



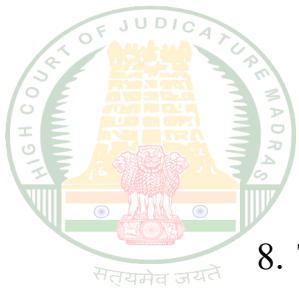
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4. Per Contra, the learned Government Advocate (Criminal Side) submitted that another criminal case involving similar allegations is pending against the petitioner and therefore, the lower Appellate Court was justified in dismissing the petition seeking suspension of sentence.

5. In reply, the learned counsel for the petitioner submitted that, in respect of the co-accused involved in the very same case, this Court had granted relief by orders dated 22.06.2026 & 23.06.2026 passed in Crl.OP.Nos.14010 of 2026 and 11569 of 2026 respectively.

6. I have considered the rival submissions made on either side and perused the materials available on record.

7. Considering the serious nature of the allegations and the fact that another criminal case is pending against the petitioner, the approach adopted by the lower Appellate Court in declining suspension of sentence and proposing to dispose of the appeal itself cannot be faulted. However, it is equally well settled by this Court as well as by the Hon'ble Supreme Court that when there is a delay in the disposal of an appeal, suspension of sentence may be granted pending disposal of the appeal.



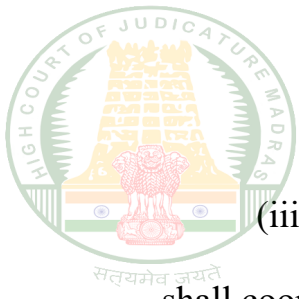
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8. Though the learned Appellate Judge had observed on 22.04.2026 that the appeal itself could be taken up and disposed of, the fact remains that the petitioner has been in custody from December 2025 to till date and the appeal has not yet been disposed of. Therefore, considering that the appeal may take some more time for disposal, the relief of suspension of sentence and enlargement on bail can be granted. I also take into account the period of under incarceration already undergone by the petitioner. Further, it has been brought to the notice of this Court that the co-accused have already been granted similar relief in the same case.

9. For all the above reasons, this Criminal Original Petition is disposed of on the following terms:-

(i) The order dated 22.04.2026 passed in Crl.M.P.No.1 of 2026 in C.A.No.34 of 2026 is set aside. Consequently, Crl.M.P.No.1 of 2026 in C.A.No.34 of 2026 shall stand allowed, and the sentence imposed on the petitioner shall remain suspended pending disposal of the appeal.

(ii) the petitioner shall be enlarged on bail on his executing bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum, to the satisfaction of the trial Court.



(iii) the petitioner shall attend all hearings in the appeal without fail and shall cooperate for the expeditious disposal of the appeal.

(iv) the petitioner shall appear and sign before the lower Appellate Court on the first working day of every month at 10.30 a.m. of every month until the disposal of the appeal and if he is not able to appear before the Appellate Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Appellate Court on any other day in lieu of the date of his absence as directed by the Appellate Court.

13-07-2026

Neutral Citation: Yes/No

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1. The learned 1st Additional District and Sessions Judge,
Tiruppur.
2. The Inspector of Police
Avinashipalayam Police Station,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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