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CRL MP No. 10033 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 10033 of 2026
in Crl.A.No.723 of 2026**

Rajesh

..Petitioner/A2

Vs

State represented by The Inspector of Police
Vellore North L and O Police Station, Vellore.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430 (2) of BNSS, to release the petitioner on bail by suspending the sentence imposed in SC.No.173 of 2022, dated 29.07.2025 on the file of the learned I Additional District and Session Judge, Vellore, pending disposal of the above appeal.

For Petitioner(s):

Mr.S.Kasirajan

For Respondent(s):

Mr. A. Amarnath,

Counsel for Government of Tamil Nadu
(Crl. Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner/A2 vide judgement and



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order dated 29.07.2025 passed in S.C.No.173 of 2022 on the file of the learned 1st Additional District and Sessions Judge, Vellore, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner who was arrayed as A2, in the above Sessions Case was convicted by the trial Court for the offence under Section 307 of the IPC and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for three months.

3. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.

4. The case of the prosecution is that on 21.09.2021 at about 7.30 p.m. when the deceased and his relatives were returning home from work, the accused intercepted him and entered into a wordy quarrel; that thereafter, the deceased assaulted A1 with a beer bottle; that the enraged A1 assaulted the deceased with the knife; that when PW2, came to the



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aid of the deceased, the petitioner herein/A2 herein assaulted him on the back of the head with a small knife.

5. A1 was convicted for the offence under Section 302 of the IPC and the petitioner/A2 was convicted for the offence under Section 307 and sentenced to imprisonment of five years. Since the co-accused/A1 was sentenced to life imprisonment, the appeal filed by the petitioner/A2 is also listed before us.

6. We find that the petitioner has raised several arguable points in the above appeal, which requires consideration. The petitioner is in custody from 29.07.2025, for almost a year. The instant appeal is not likely to be taken up in the near future.

7. Therefore, considering the above facts and the fact that a fixed sentence of five years imprisonment has been imposed on the petitioner, we are inclined to grant the relief of suspension of sentence to the petitioner herein.



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8. Accordingly, these criminal miscellaneous petitions stand **allowed** and the sentences imposed on the petitioner/A2 is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned I Additional District Sessions Judge, Vellore.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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 317



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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.

(A.S.M.,J.) (S.M.,J.)
23-07-2026

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

Issue Order Copy today

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To

1. The I Additional District Sessions Judge,
Vellore.
2. The Inspector of Police
Vellore North L and O Police Station, Vellore.
3. The Superintendent of Prisons,
Central Prison, Vellore.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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