



Crl.MP.No.1567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

**Crl.MP.No.1567 of 2024**  
**in Crl.A.No.136 of 2024**

Bharath @ Manibharathi

...Petitioner / Appellant

Versus

The State rep. by  
The Inspector of Police,  
Thirumuruganpoondi (Anupparpalayam) Police Station,  
Tiruppur.  
(Crime No.3848 of 2020)

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] & [2] of Cr.P.C., pleaded to suspend the sentence of imprisonment passed by the learned Principal Sessions Judge, Tiruppur dated 06.01.2024 in S.C.No.90 of 2022 and direct the release of the petitioner/appellant on pending disposal of the present criminal appeal.

For Petitioner : Mr.S.Kingston Jerold



*Crl.MP.No.1567 of 2024*

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For Respondent : Mr.S.Raja Kumar  
Additional Public Prosecutor

**ORDER**

[Order of the Court was made by S.M.SUBRAMANIAM, J]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed by the Judgment in S.C.No.90 of 2022 dated 06.01.2024 on the file of the learned Principal Sessions Judge, Tiruppur and enlarge the petitioner on bail pending disposal of the above said Criminal appeal.

2.The petitioner in the above Sessions Case, was convicted the petitioner for the offence under section 302 r/w.34 IPC and sentenced to undergo life imprisonment and also to pay fine of Rs.2000/- and in default of payment of fine, to undergo rigorous imprisonment for another three months and for the offence 147 of IPC sentenced to undergo rigorous imprisonment for six months.

3.Aggrieved against the judgement of conviction and sentence imposed on the petitioner by the trial Court in S.C.No.90 of 2022, the



Crl.MP.No.1567 of 2024

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petitioner have filed the present criminal appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

5. The learned counsel for the petitioner submitted that A1 to A4 in this case have already granted suspension of sentence by this Court vide order dated 23.10.2024 in Crl.MP.No.4568 of 2024 in Crl.A.No.306 of 2024.

6. We have gone through the evidences of PW1 to PW3 and the Doctor's evidence. The post-mortem report states about two injuries caused on the deceased. Considering the facts and circumstances, we are inclined are inclined to suspend the sentence of the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed**



Crl.MP.No.1567 of 2024

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and the sentence of imprisonment is **suspended** and the sentence imposed on the petitioner is suspended on the following conditions:

(i)The petitioner shall execute bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirupur.

(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.

[S.M.S., J.]

[M.J.R.,  
J.]

18.11.2024

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*Crl.MP.No.1567 of 2024*



*Crl.MP.No.1567 of 2024*

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To

- 1.The Judicial Magistrate No.III, Tirupur.
- 2.The Inspector of Police,  
Thirumuruganpoondi (Anupparpalayam) Police Station,  
Anupparpalayam,  
Tiruppur.
- 3.The Superintendent, Central Prison, Coimbatore.
- 4.The Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.



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Crl.MP.No.1567 of 2024

**S.M.SUBRAMANIAM, J.**  
**AND**  
**M.JOTHIRAMAN, J.**

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Crl.MP.No.1567 of 2024

18.11.2024