



*Crl.M.P.No.7795 of 2024
in Crl.A.No.610 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM:

THE HON'BLE MR.JUSTICE **C.SARAVANAN**

Crl.M.P.No.7795 of 2024
in
Crl.A.No.610 of 2024

Mani Bharathi ... Petitioner

Vs.

The State rep.
The Inspector of Police,
J-7, Velachery Police Station,
Chennai.
Cr.No.136/2023 ... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) r/w 439 of Cr.P.C to suspend the execution of the sentence passed by an order dated 23.04.2024 made in S.C.No.458 of 2023 by the learned I Additional Sessions Court, Chennai against the petitioner and enlarge him on bail.

For Petitioner : Mr.K.N.Nataraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned I Additional Sessions Court, Chennai, in S.C.No.458 of 2023 dated 23.04.2024 and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the fourth accused in S.C.No.458 of 2023 on the file of the learned I Additional Sessions Court, Chennai. The petitioner was found guilty of the offences under Sections 307 & 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the third petitioner was found guilty of the offences under Sections 307, 324 & 355 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and they have been convicted and sentenced as under:

Sl.No.	Conviction	Sentence
1	Section 341 r/w 34 of IPC	to undergo simple imprisonment for a period of one month and to pay fine of Rs.500/-, in default to undergo simple imprisonment for one week.
2	Section 307 r/w 34	to undergo rigorous imprisonment for a



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Sl.No.	Conviction	Sentence
	of IPC	period of two years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for two months.
3	Section 336 r/w 34 of IPC	to undergo rigorous imprisonment for a period of one month and to pay a fine of Rs.250/-, in default to undergo simple imprisonment for one week.

Aggrieved against the same, the petitioner has filed the appeal along with the present miscellaneous 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. Further it is his specific submission that while at the time of pronouncing judgment, the trial court has suspended the sentence till 25.05.2024. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case and also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions for a period of six weeks from today.



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7. Accordingly, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions :

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned I Additional Sessions Court, Chennai.

(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 the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before



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the trial Court on any other day in lieu of the date
of his absence, as directed by the trial Court.

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

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To

1. The I Additional Sessions Court, Chennai.
2. The Inspector of Police,
J-7, Velachery Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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C.SARAVANAN, J.

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