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Crl.M.P.No.15823 of 2024
in Crl.A.No.1391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

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

Crl.M.P.No.15823 of 2024
in Crl.A.No.1391 of 2024

Kaleel Ibrahim

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vaniyambadi Police Station,
Vaniyambadi,
Tirupathur District.
(Cr.No.22/2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Cr.P.C. under 430 of BNSS, seeking to suspend the sentence and enlarge the petitioner on bail imposed in S.C.No.3 of 2022 dated 07.11.2023 passed by the learned III Additional Sessions Judge, Tirupathur, pending disposal of the above appeal.

For Petitioner : Mr.H.Syed Alim

For Respondent : Mr.S. Rajakumar,
Additional Public Prosecutor



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ORDER

*(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)*

This criminal miscellaneous petition has been filed seeking to suspend the sentence dated 07.11.2023 passed in S.C.No.3 of 2022 on the file of the III Additional Sessions Judge, Thirupathur and release the petitioner on bail.

2. The petitioner in the above Sessions Case, was convicted and sentenced under Sections 120(B), 342, 364(A) & 392 IPC r/w Section 397 IPC to 7 years imprisonment for alleged offence under Section 120(B) of IPC, life imprisonment for alleged offence under Section 364(A) IPC and fine of Rs.10,000/- and in default of the fine amount to undergo further imprisonment of 1 year and 1 year imprisonment for alleged offence under Section 341 IPC and 7 years imprisonment for alleged under Section 392 r/w 397 IPC in S.C.No.3 of 2022 dated 07.11.2023.

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



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petitioner has filed the present miscellaneous petition in the criminal appeal seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the petitioner has not been identified. He further submitted that there are arguable points in this Criminal Appeal and the petitioner has every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials available on record.

6. Taking into consideration the above submission of the learned counsel appearing on both sides and since the participation of petitioner has not been identified, this Court finds that the petitioner has substantial grounds in the Criminal Appeal, which requires detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence of imprisonment imposed on the petitioner is **suspended** on the following conditions:

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Tiruppathur.

(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 to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

8. Post the Appeal after two weeks.

(S.M.S, J.)

(M.J.R, J.)

05.12.2024

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To

1.The III Additional Sessions Judge,
Tirupathur,

2.The Inspector of Police,
Vaniyambadi Police Station,
Vaniyambadi,
Tirupathur District.

3.The Superintendent,
Central Prison,
Vellore.

4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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and
M.JOTHIRAMAN, J.

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