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Crl.M.P.No.16451 of 2024 in Crl.A.No.1449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.M.P.No.16451 of 2024  
in Crl.A.No.1449 of 2024

Suresh  
S/o Baskar

.. Petitioner

-VS-

State represented by  
The Inspector of Police  
K-9 Thiru Vi Ka Nagar Police Station  
Chennai

.. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence of imprisonment imposed in the judgment dated 04.10.2024 in S.C.No.9 of 2021 by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner :: Mr.P.Rajkumar Pandian

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



ORDER

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

The petitioner/sole accused stands convicted for the offence under Sections 498A and 302 of IPC and sentenced to undergo rigorous imprisonment for three years along with fine of Rs.5,000/-, in default to undergo simple imprisonment for one month for the offence under Section 498A IPC; to undergo imprisonment for life along with fine of Rs.20,000/-, in default to undergo simple imprisonment for three months, which are ordered to run concurrently, vide the judgment dated 04.10.2024 in S.C.No.9 of 2021 passed by the learned Sessions Judge, Mahalir Neethimandram, Chennai. Challenging the said conviction and sentence, the petitioner/appellant has preferred the appeal. Pending the appeal, the petitioner has taken out the instant miscellaneous petition seeking to suspend the sentence and enlarge him on bail.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. Though the learned Additional Public Prosecutor would rely on the



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evidence of PW9, eyewitness, we find that PW9 turned hostile. PW2 is the neighbour who deposed about the occurrence. We have perused the doctor's evidence also. The evidence of PW2 raises several issues, which require further consideration from the hands of this Court. Since the petitioner has arguable points, we are inclined to consider the present petition and suspend the sentence imposed on the petitioner/accused.

4. Accordingly, this criminal miscellaneous petition stands allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and he is granted bail on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two independent sureties, each for a likesum, to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their Aadhar card or Bank Pass Book and mobile numbers to ensure their identity; and



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(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.)  
16.12.2024

SS

To

1. The Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai
2. The Inspector of Police, K-9 Thiru Vi Ka Nagar Police Station, Chennai
3. The Superintendent, Central Prison-II, Puzhal, Chennai
4. The Public Prosecutor, High Court, Madras



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S.M.SUBRAMANIAM, J.

AND

M.JOTHIRAMAN, J.

SS

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