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Crl.M.P.No.938 of 2025
in Crl.A.No.93 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.No.938 of 2025

IN

Crl.A.No.93 of 2025

Bahavath

.. Petitioner

Vs

State rep. by
The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
(Crime No.490 of 2017)

.. Respondent

Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of BNSS, to suspend the sentence made in S.C.No.34 of 2018 dated 18.12.2024 on the file of the District and Sessions Judge, Mayiladuthurai and enlarge the petitioners on bail pending criminal appeal.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner by the learned District and Sessions Judge, Mayiladuthurai, by judgment dated 18.12.2024, in S.C.No.34 of 2018, pending disposal of the above criminal appeal.

2. The petitioner, who is arrayed as A-3, in the above Sessions Case, were convicted and sentenced as follows:

<i>Offence under Section</i>	<i>Sentence imposed</i>
436 IPC	To undergo RI for four years and to pay a fine of Rs.15,000/- each, in default to undergo RI for two months
3(1) TNPPDL Act	To undergo RI for four years and to pay a fine of Rs.1,000/- each, in default to undergo RI for two months
Sentences were ordered to run concurrently.	

Aggrieved by the same, the petitioner filed Crl.A.No.93 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



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3. The case of the prosecution is that on 01.07.2017, the petitioner along with other accused persons went to the house of the *de facto* complainant and damaged a two-wheeler belonging to the *de facto* complainant and caused damage to the tune of Rs.5,000/- and set fire to the house of P.W.1 and thus, committed offences under Sections 436 IPC and 3(1) of TNPPDL Act.

4. The learned counsel for the petitioner would submit that the prosecution had not established its case and there are several infirmities which requires consideration in this appeal and considering the period of sentence imposed by the trial Court, the sentence imposed on the petitioners may be suspended pending appeal. He added that A1 and A2 in this case has been granted bail by this Court vide its order dated 03.01.2025 in Crl.M.P.No.18571 of 2024.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering, the submissions of the learned counsel for the petitioner and since there are arguable points which requires consideration; the fact that



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the sentence imposed on A1 and A2 has been suspended by this Court in Crl.M.P.No.18571 of 2024 vide order dated 03.01.2025, the period of incarceration suffered by the petitioner and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond each for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge, Mayiladuthurai;
- (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 Aadhaar 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



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the appeal and if the petitioners are 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 the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

24.01.2025

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Issue order copy by 29.01.2025

To

1.The District and Sessions Judge
Mailaduthurai

2.The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
(Crime No.490 of 2017)

3.The Public Prosecutor
High Court, Madras



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SUNDER MOHAN, J.

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