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Crl.M.P.No.368 2025
in Crl.A.No.55 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

Crl.M.P.No.368 of 2025
in Crl.A.No.55 of 2025

Chinnapaiyan

... Petitioner

Vs.

The State
The Inspector of Police
Bommidi Police Station
Dharmapuri District
Crime No.3 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.13 of 2021 dated 29.09.2022.

For Petitioner : Mr.P.M.Bail

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



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ORDER

(Order of the Court was delivered by N.SENTHILKUMAR, J.)

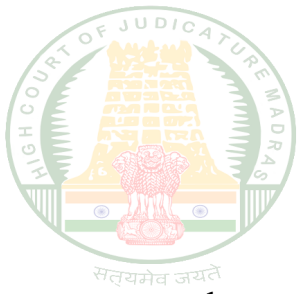
This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Dharmapuri, on 29.09.2022 in S.C.No.13 of 2021 and release him on bail.

2. The learned Sessions Judge, Dharmapuri in S.C.No.13 of 2021, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.302 IPC	Life imprisonment along with a fine of Rs.2,000/- in default to undergo R.I. for two years.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present miscellaneous petition.

4. Heard Mr.P.M.Basil, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for



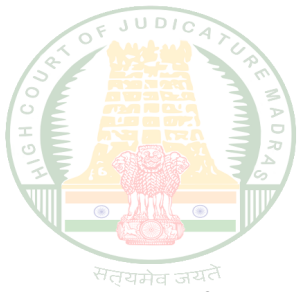
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the respondent/Police.

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5. It is the case of the prosecution that the petitioner is the father who had committed murder of his own son. The deceased was the accused son, on the date of occurrence the petitioner accused due to property dispute assaulted the deceased with a reaper wood, due to which the deceased died on the spot. P.W.1 and PW2 are the eye witnesses to the occurrence who are none other than the wife and the mother of the deceased. They have supported the prosecution case.

6. The learned counsel for the petitioner submitted that the deceased is the son of the accused. He had many bad antecedents, he created nuisance to the entire family members. On the date of occurrence, there was a property dispute, the deceased wanted his share and fought with his father in inebriated condition and pushed him down, due to sudden provocation, the petitioner assaulted the deceased with a wooden reaper with anger. PW3 and PW4 who were supporting the prosecution case have turned hostile. Since the appeal is not likely to be taken up in the near



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future, he may be granted suspension of sentence.

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7. Per contra, the learned Additional Public Prosecutor submitted that both P.W.1 and P.W.2 are the petitioner's own wife and daughter in law. They are the eye witness to the occurrence. Hence, it is clear that the prosecution has established its case. Considering the age of the petitioner, he strongly opposed to suspend the sentence of the petitioner.

8. We have perused the records carefully and considered the rival submissions.

9. Admittedly, the petitioner is not a previous offender. There is no record placed by the prosecution to conclude that the accused is likely to commit a crime in future or incapable of being reformed. The petitioner is in custody from 13.01.2020.

10. Considering the fact that the petitioner is in custody for nearly 5 years and in view of the fact that inquest witnesses P.W.3 and P.W. 4 have



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turned hostile and that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence and grant bail to the petitioner/accused.

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

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pappireddipatti;
- (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;
- (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 and if he is not able to appear before the trial Court on any day, he shall make



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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 his absence, as directed by the trial Court.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(M.S.R, J.)

(N.S, J.)

21.02.2025

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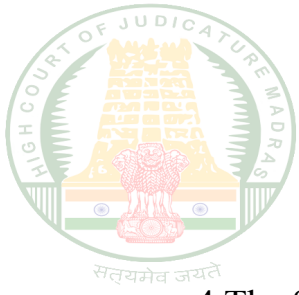
Note: Issue Order Copy on 24.02.2025

To

1.The Judicial Magistrate Court,
Pappireddipatti.

2.The Additional District and Sessions Judge
Dharmapuri

3.The Inspector of Police
Bommidi Police Station
Dharmapuri District
Crime No.3 of 2020



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4.The Superintendent of Prison
Central Prison
Vellore

5.The Public Prosecutor
High Court of Madras
Chennai 600 104



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