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Crl.M.P No.745 of 2025 in
Crl.A.No.74 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.745 of 2025
in
Crl.A.No.74 of 2025

Pitchandi @ Samuel

... Petitioner

Versus

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Polur Police Station,
Thirvannamalai District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to suspend the judgment and conviction imposed in S.C.No.13 of 2008 on the file of the Sessions Judge Mahila Needhi Mandram (Fast Track Mahila Court), Thiruvannamalai, dated 28.11.2024 and grant bail to the petitioner/appellant pending disposal of the criminal appeal.

For Petitioner : Mr. K. Rajasekaran,
for Mr. Charles Kamalesh M. Appaji

For Respondent : Mr. S. Raja Kumar,
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge Mahila Needhi Mandram (Fast Track Mahila Court) Thiruvannamalai in S.C.No.13 of 2008 dated 28.11.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner is the accused in S.C.No.13 of 2008 on the file of the learned Sessions Judge Mahila Needhi Mandram (Fast Track Mahila Court) Thiruvannamalai. The petitioner was found guilty of the offences under Sections 294(b) and 307 of the Indian Penal Code, (IPC), 1860 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 294(b) of IPC	to undergo simple imprisonment for a period of two months.
2	Section 307 of IPC	to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that



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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, he would submit that the petitioner is ready to abide the condition imposed by this Court.

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 coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned



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Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone may be suspended on certain conditions.

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

(a) The petitioner/accused is ordered to be released on bail, on their executing a separate 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 Judicial Magistrate, Polur, Thiruvannamalai;

(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 daily at 10:30 A.M., for a period of 30 days and thereafter, on the first working day of every English Calendar month at 10:30 A.M., until the disposal of the Criminal Appeal and and if he is not able to



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appear before the Trial Court on any day, he 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 his absence, as directed by the Trial Court.

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

31.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Sessions Judge Mahila Needhi Mandram (Fast Track Mahila Court), Thiruvannamalai.
2. The Judicial Magistrate, Polur, Thiruvannamalai.
3. The Superintendent of Police, Central Prison, Vellore.
4. The Inspector of Police, Polur Police Station, Thiruvannamalai District.
5. The Public Prosecutor, High Court of Madras, Chennai.

G.K.ILANTHIRAIYAN, J.



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