



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.2481 of 2025

in Crl.A.No.178 of 2025

S.Dhanasekaran

... Petitioner/A1

-VS-

The State Rep.

The Inspector of Police

Ammamet Police Station

Salem – 636 003

Crime No.482/2009

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.270 of 2009 on the file of the learned Special Judge for EC/NDPS Act Cases, Salem dated 01.04.2024.

For Petitioner : Mr.R.Sankarasubbu
for Mr.S.Manoharan

For Respondent : Mr.A.Damodaran
Addl. Public Prosecutor
assisted by
M/s.M.Arifa Thasneem

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in S.C.No.270 of 2009 on the file of the learned Special Judge for



WEB CODE

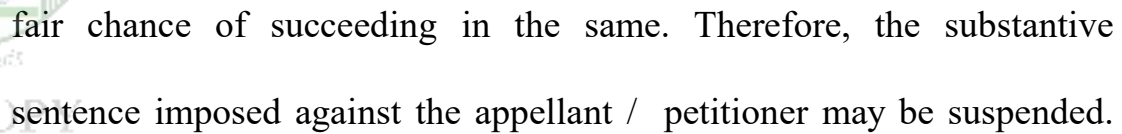
EC/NDPS Act Cases, Salem dated 01.04.2024, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned Special Judge for EC/NDPS Act Cases, Salem dated 01.04.2024, in S.C.No.270 of 2009, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A1	302 IPC read with 34 (2 counts)	Rigorous imprisonment for life	Rs.5000/- in default to undergo further simple imprisonment for 6 months
A1	201 of IPC read with Section 302 of IPC	Rigorous imprisonment of 7 years	Rs.1000/- in default to undergo further simple imprisonment for 1 year
These Sentences were ordered to run concurrently			

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

4. Learned counsel for the appellant / petitioner submitted that the various circumstances relied upon the prosecution is not complete and the Trial Court has relied the confession merely on surmises and conjunctures. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner/A1 has a



5. The respondent has filed the counter affidavit. The learned Additional Public Prosecutor, submitted that there are materials against the petitioner/appellant.

6. We have heard the rival submissions and perused the entire materials available on record. The entire case rests mainly on the circumstantial evidences and the accused is continuously in the custody from 2019, this Court is of the view that the petitioner/appellant has arguable points in the criminal appeal and has made out a *prima facie* case for suspending the sentence.

7. Accordingly, considering the submissions made on either side and taking into account the fact that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the



following conditions:-

WEB COPY

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum to the satisfaction of the learned Special Judge for EC/NDPS Act, Cases, Salem;

(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 every Monday at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of 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.

(N.S.K.,J.) (M.J.R.,J.)
25.11.2025

dhk



To

WEB COPY

1. The Sessions Judge for EC/NDPS Act
Salem
2. The Superintendent
Central Prison, Salem
3. The Inspector of Police
Ammamet Police Station
Salem – 636 003
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

dhk

Crl.M.P.No.2481 of 2025
in Crl.A.No.178 of 2025

25.11.2025