



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL MP No. 1842 of 2024

in

Crl.A.No.355 of 2021

1. M.Dharma

2.Bala @ Balamurugan

Petitioner(s)

Vs

1. The State Rep.By
The Inspector Of Police,
Uthukuli Police Station,
Tirupur District. (Cr.No.273 Of 2013.)

Respondent(s)

PRAYER

This Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed by the Judgment made in SC.No.133 of 2015 dated 16.04.2021 on the file of the Learned II Additional District and



Sessions Judge, Tiruppur and enlarge the petitioner on bail pending disposal of the criminal appeal.

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For Petitioner(s): Mr. S.Suresh

For Respondent(s): Mr. A.Damodaran,
Addl. Public Prosecutor

Assisted by
Ms.M.Arifa Thasneem

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 16.04.2021, in S.C.No.133 of 2015, passed by the learned II Additional District and Sessions Judge, Tirupur, pending disposal of the Criminal Appeal before this Court and enlarge the petitioners on bail.

2. The learned II Additional District and Sessions Judge, Tirupur, in S.C.No.133 of 2015, had acquitted the accused from the offence under Section 392 r/w.397 of IPC and convicted and sentenced the petitioners/accused as



follows:

	Rank of accused	Offence	Imprisonment	Fine
	A1	302 IPC	Imprisonment for life	Rs.5,000/- in default to undergo Rigorous Imprisonment for six months.
	A2	302 IPC	Imprisonment for life	Rs.5,000/- in default to undergo Rigorous Imprisonment for six months.

3. Challenging the above conviction and sentence, the petitioners have filed the present Criminal Appeal and they seek suspension of sentence and bail in the present Miscellaneous Petition.

4. The learned Counsel appearing for the petitioners/appellants would submit that the entire case is solely based on circumstantial evidence. The circumstances relied upon by the prosecution are highly doubtful. There is no



last-seen theory established by the prosecution. The only material relied upon is that the accused and the deceased were allegedly seen together five days prior to recovery of the body and all other circumstances also have not been clinchingly established.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent filed the counter affidavit and objected granting of suspension of sentence to the petitioner.

6. We have heard the rival submissions and perused the entire materials available on record.

7. Accordingly, considering the submissions made on either side, we find that a *prima facie* case is made out 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.



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

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Uthukuli;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the satisfaction Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioners shall appear before the said Court on every Monday at 10.30 a.m., until the disposal of the Criminal Appeal and if they are not able to appear before the said Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of their absence, as directed by the trial Court.

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



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mrp

CRL MP No. 1842 of 2024



(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)
27-11-2025

To

1.The II Additional District and Sessions Court,
Tiruppur.

2. The District Munsif cum Judicial Magistrate,
Uthukuli.

3. The Inspector Of Police,
Uthukuli Police Station,
Tirupur District.

4. The Public Prosecutor,
High Court of Madras,
Chennai.



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