



*CrI.M.P.No.1809 of 2025
in CrI.A.No.1220 of 2022*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

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

CrI.M.P.No.1809 of 2025
in CrI.A.No.1220 of 2022

Rakkappan @ Ragavan
S/o.Chellaiah

... Petitioner

Vs.

The State represented by
The Inspector of Police
Annuparpalayam Police Station,
Tiruppur District.

... Respondent

PRAYER: The Criminal Miscellaneous Petition is filed under Section 389 (1) read with 439 of Cr.P.C./ Section 430 (1) read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, praying to suspend the sentence imposed in S.C.No.90 of 2021 by the learned Principal District and Sessions Judge, Tiruppur, dated 13.10.2022 and enlarge the petitioner/1st appellant on bail pending disposal of the Criminal Appeal No.1220 of 2022.



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For Petitioner : Mr.J.Selvarajan
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

M.S. RAMESH, J.
and
N. SENTHILKUMAR, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed in judgment dated 13.09.2022 made in S.C.No.90 of 2021 on the file of the Principal Sessions Judge, Tiruppur, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. The learned Principal Sessions Judge, Tiruppur, in S.C.No.90 of 2021, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence Imposed</i>
U/s.302 IPC	To undergo Imprisonment for Life and to pay a fine of Rs.2,000/-, in default, to undergo Rigorous Imprisonment for three months.
U/s.201 r/w 302 IPC	To undergo three years of Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Rigorous Imprisonment for three months.



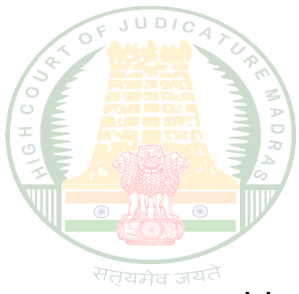
*Crl.M.P.No.1809 of 2025
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WEB COPY

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.J.Selvarajan, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent Police.

5. Among the circumstances put forth by the prosecution before the trial Court to establish their case based on the circumstantial evidence, P.W.4 and P.W.6 have been projected as witnesses, who have last seen the accused with the deceased together. However, on perusal of the evidence let in by P.W.4, we find that he has not specifically spoken of having seen any of the accused with the deceased on the fateful day or immediately prior to that. Likewise, P.W.6 was treated as an hostile witness by the prosecution during the course of the trial. Thus, there is no chain of events and circumstances to prove the guilt of the accused and hence, the



*Crl.M.P.No.1809 of 2025
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petitioner herein may have a fair chance of success in the above appeal.

Incidentally, we had earlier considered the suspension of sentence in the case of Accused Nos.2 and 3 through orders passed in Crl.M.P.No. 9204 of 2023 in Crl.A.No.1220 of 2022 dated 17.11.2023 and in Crl.M.P.No. 5737 of 2024 in Crl.A.No.1220 of 2022 dated 05.07.2024 on the similar ground. In view of the *prima facie* case made out by the petitioner herein, this Court is inclined to suspend the sentence imposed on the petitioner.

6. 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/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.3, Tiruppur.

(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



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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 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.

(M.S.R, J.) (N.S, J.)
02.04.2025

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Note: Issue order copy on 03.04.2025



*Crl.M.P.No.1809 of 2025
in Crl.A.No.1220 of 2022*

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To

1. The Principal Sessions Judge, Tiruppur.
2. The Judicial Magistrate Court No.3, Tiruppur.
3. The Inspector of Police
Annuparpalayam Police Station,
Tiruppur District.
4. The Superintendent, Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Crl.M.P.No.1809 of 2025
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