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CrI.M.P.No.2079 of 2025
in CrI.A.No.1500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CrI.M.P.No.2079 of 2025
in CrI.A.No.1500 of 2024

Sudhakar
S/o.Arumugam,
Perumal Koil Street, Marakkanam, Villupuram District.

Petitioner(s)/1st Accused

Vs

The State represented by its
The Inspector Of Police,
Marakkanam Police Station,
Villupuram District.

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C., to
suspend the sentence imposed on the petitioner by judgment dated
30.09.2024 passed in Spl.S.C.No.37 of 2022 on the file of the Sessions
Court, Special Court for Exclusive Trial of Cases Registered Under the



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Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989,
Villupuram and to enlarge the petitioner on bail pending disposal of the above
appeal.

For Petitioner(s) : Mr.N.R.Elango, Senior Counsel
for Mr.S.Agilesh Kumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to
suspend the sentence imposed on the petitioner by judgment dated
30.09.2024 passed in Spl.S.C.No.37 of 2022 on the file of the Sessions
Court, Special Court for Exclusive Trial of Cases Registered Under the
Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989,
Villupuram and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the first accused in Spl.S.C.No.37 of



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2022 before the Sessions Court, Special Court for Exclusive Trial of Cases

Registered Under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, Villupuram, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo one year rigorous imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.1500 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that except PW8 all other witnesses turned hostile and the evidence of PW8 itself is highly doubtful, since there are contradictions between his chief-examination and cross-examination. He would further submit that all the accused including the petitioner herein were in an inebriated condition when the occurrence took place. Further, he would submit that counter case has not been properly investigated. It is his further submission that the petitioner is in judicial custody for nearly one year. Stating so, he prayed for the grant of



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suspension of sentence and bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration for more than a year. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition is allowed and the relief of suspension of sentence and bail is granted to the petitioner on the



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following conditions:

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- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the Sessions Court, Special Court for Exclusive Trial of Cases Registered Under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, Villupuram;
- (ii) 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 to ensure their identity;
- (iii) The petitioner shall appear before the respondent/police on every Monday 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 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; and
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against



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the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(N.S.K., J.) (M.J.R., J.)
19.11.2025

nsd

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1.The Sessions Judge, Special Court for Exclusive Trial of Cases Registered Under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

2.The Inspector Of Police,
Marakkanam Police Station, Villupuram District.

3.The Superintendent, Central Prison, Cuddalore.

4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.

N.SATHISH KUMAR, J.



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