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Crl.M.P.No.2494 of 2025
in Crl.A.No.41 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM

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

Crl.M.P.No.2494 of 2025
in Crl.A.No.41 of 2024

Gnanaguru
S/o.Mayakrishnan
Keezhakuppam Village, Nadukuppam Post,
Panruti Taluk, Cuddalore District.

Petitioner(s)/Accused No.1

Vs

State represented by
The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
(Crime No.132 of 2023)

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C.

[Section 430(1) BNSS, 2023], to suspend the sentence imposed on the



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petitioner by judgment dated 22.12.2023 passed in S.C.No.99 of 2023 on the file of the I Additional District and Sessions Court, Cuddalore and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Mr.R.Thamarai Selvan

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 22.12.2023 passed in S.C.No.99 of 2023 on the file of the I Additional District and Sessions Court, Cuddalore and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the first accused in S.C.No.99 of 2023 before the I Additional District and Sessions Court, Cuddalore, was convicted for the offence under Section 302 IPC and sentenced to undergo



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life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment and further convicted for the offence under Section 506(II) IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo two months simple imprisonment.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.41 of 2024 along with Crl.M.P.No.179 of 2024 seeking suspension of sentence and bail and the same was dismissed as withdrawn on 20.02.2024. Thereafter, the petitioner filed Crl.M.P.No.7616 of 2024 seeking suspension of sentence and bail and the same was dismissed by this Court on 13.08.2024. Now, for the third time, the petitioner has filed the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that the evidence of the eyewitnesses relied on by the prosecution is highly unreliable and there are inconsistency in the statements of the prosecution witnesses, however, the trial Court, believing the evidence of the so-called



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eyewitnesses, has convicted the petitioner. He would further submit that the petitioner is in custody. Stating so, he prayed for the grant of 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 is in incarceration. 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.



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

- (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 I Additional District and Sessions Court, Cuddalore;
- (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



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- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against 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.)
26.11.2025

nsd



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To

1.The I Additional District and Sessions Judge,
Cuddalore.

2.The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.

3.The Superintendent, Central Prison, Cuddalore.

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



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

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