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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL MP No. 2881 of 2025 in

Crl.A.No.484 of 2023

D.Umamaheswaran @ Micheal

Petitioner(s)

Vs

The State Rep By,
The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.

Respondent(s)

PRAYER: Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed on the petitioner to suspend the sentence and enlarge the petitioner on bail in respect of SC No.17/2021, dated 13.10.2022, on the file of First Additional District and Sessions Judge, Vellore, pending disposal of the main appeal.

For Petitioner(s): Mr.D.Rajagopal

For Respondent(s): Mr.A.Damodaran

Addl. Public Prosecutor

Assisted by M.Arifa

Thasneem, Advocate



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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 13.10.2022, in S.C. No.17 of 2021, on the file of the learned First Additional District and Sessions Judge, Vellore, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned First Additional District and Sessions Judge, Vellore, in S.C.No.17 of 2021, had convicted and sentenced the petitioner as follows:

The accused was convicted and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to pay the fine amount, to undergo Rigorous Imprisonment for further period of six months under Section 302 IPC and to undergo one month simple imprisonment for the offence under Section 294 (b) IPC.

3. Challenging the above conviction and sentence, the petitioner has filed



the present Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.

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 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.

8. 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 for a like sum to the satisfaction of the learned Judicial Magistrate – V, Vellore;

(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



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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.)

20-11-2025

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To
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1. The Judicial Magistrate – V, Vellore.

2.I Additional District and Sessions
Judge, Vellore.

3.The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.



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7/7

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

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