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Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 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.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

1.Selvakumar
S/o.Selvaraj

2.Selvam
S/o.Jayaraman

Both are the residents of
Mela Street, Vannankuzhi, Meensuruti Post
Udayarpalayam Taluk, Ariyalur District

Petitioner(s)/A5 and A6 in Crl.M.P.No.2837 of 2025

1.Kalaiselvan
S/o.Kaliyamoorthy,
North Street, Vennankuzhi, Meensuruti Post, Udayarpalayam
Taluk, Ariyalur District.

2.Sankar
S/o.Kaliyamoorthy,
North Street, Chokkalingapuram, Meensuruti Post,
Udayarpalayam Taluk, Ariyalur District.



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

3.Ramu @ Ramamoorthy
S/o.Vellaisami,
North Street (Road Street), Chokkalingapuram, Meensuruti
Post, Udayarpalayam Taluk, Ariyalur District.

Petitioner(s)/A1, A3 & A4 in Crl.M.P.No.2843 of 2025

Vs

The State represented by the
Inspector of Police,
Aanaikaran Chathiram Police Station,
Mayiladuthurai District.
(Crime No.291 of 2012)

Respondent(s)/Complainant in both cases

Common Prayer: Civil Miscellaneous Petitions filed under Section 389(1)
Cr.P.C. [Section 430(1) of BNSS, 2023], to suspend the sentence imposed
on the petitioners by judgment dated 25.04.2024 passed in S.C.No.135 of
2018 on the file of the District and Sessions Court, Mayiladuthurai and
enlarge the petitioners on bail, pending disposal of the above criminal
appeals.

For Petitioners(s) in
Crl.M.P.No.2837 of 2025 : Mr.Abudukumar Rajarathinam,
Senior Counsel
assisted by Mr.S.Ashok Kumar
for Mr.V.R.Navaneetha Krishnan

For P1 in



WEB COPY



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

Crl.M.P.No.2843 of 2025 : Mr.Ananthanarayanan,
Senior Counsel
for Mr.K.Balu

For P2 & P3 in
Crl.M.P.No.2843 of 2025 : Mr.R.C.Dhilip Pandian

For Respondent(s) in
both cases : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

COMMON ORDER

(Made by N.Sathish Kumar, J.)

These criminal miscellaneous petitions have been preferred seeking to suspend the sentence imposed on the petitioners by judgment dated 25.04.2024 passed in S.C.No.135 of 2018 on the file of the District and Sessions Court, Mayiladuthurai and enlarge the petitioners on bail, pending disposal of the above criminal appeals.

2. The petitioners, who were the accused in S.C.No.135 of 2018 before the District and Sessions Court, Mayiladuthurai, were convicted as follows:



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Kalaiselvan (A1)	Section 353 IPC	Two years rigorous imprisonment.
	Section 302 IPC	Life imprisonment and fine of Rs.2,000/-, in default to undergo three months rigorous imprisonment.
	Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months rigorous imprisonment.
	Section 205 r/w 109 IPC	Three years rigorous imprisonment.
	Section 4(1)(aa) (transport) of the TNP Act	Six months rigorous imprisonment and fine of Rs.2,000/-, in default to undergo one month rigorous imprisonment.
Sankar (A3) and Ramu @ Ramamoorthy (A4)	Section 353 IPC	Two years rigorous imprisonment.
	Section 302 r/w 109 IPC	Life imprisonment and fine of Rs.2,000/-, in default to undergo three months rigorous imprisonment.
	Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months rigorous imprisonment.
	Section 205 r/w 109 IPC	Three years rigorous imprisonment.
	Section 4(1)(aa) (transport) of the TNP Act	Six months rigorous imprisonment and fine of Rs.2,000/-, in default to undergo one month rigorous imprisonment.
Selvakumar (A5) and Selvam (A6)	Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months rigorous imprisonment.
	Section 205 r/w 109 IPC	Three years rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.		



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

WEB COPY

3. Challenging the above conviction and sentence, the petitioners have filed Crl.A.Nos.564 & 720 of 2024 along with Crl.M.P.Nos.7613 & 8200 of 2024 seeking suspension of sentence and bail and the same were dismissed by this Court on 23.10.2024. Now, for the second time, the petitioners have filed the instant miscellaneous petitions seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioners would submit that the entire prosecution case is indicated as if when the police party stopped the car of A1, A1 tried to escape from the place and at that time, he dashed the deceased, who was coming in his two wheeler and hence, the deceased died. He would further submit that in the evidence of the so-called eyewitnesses *viz.* PWs.1 & 2, there is absolutely no description of the accused, however, the trial Court, believing the evidence of the so-called eyewitnesses, has convicted the petitioners. He would further submit that the petitioners are in confinement from the date of their conviction.



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

WEB COPY

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 petitioners.

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

7. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been in incarceration since 25.04.2024. Further, the appeals are not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

8. Accordingly, these criminal miscellaneous petitions are allowed and the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:



Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the District and Sessions Court, Mayiladuthurai;
- (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; and
- (iii) The petitioners shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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Crl.M.P.Nos.2837 & 2843 of 2025
in Crl.A.Nos.564 & 720 of 2024

To

- 1.The District and Sessions Judge, Mayiladuthurai
- 2.The Inspector of Police,
Aanaikaran Chathiram Police Station,
Mayiladuthurai District.
- 3.The Superintendent, Central Prison, Cuddalore.
- 4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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Crl.M.P.Nos.2837 & 2843 of 2025
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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

nsd

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