



Crl.M.P.No.3369 of 2025
in Crl.A.No.417 of 2023

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

Crl.M.P.No.3369 of 2025
in Crl.A.No.417 of 2023

K.Saravanan
S/o.Kathirvelu,
Marur Colony, Sankarapuram Taluk,
Villupuram district

Petitioner(s)/Accused

Vs

The State represented by
The Inspector of Police,
Pagandai Kottu Road Police Station,
Villupuram District.
Crime No.17 of 2014

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C.
[Section 430 BNSS], to suspend the sentence imposed on the petitioner by
judgment dated 29.11.2022 passed in S.C.No.182 of 2015 on the file of the



CrI.M.P.No.3369 of 2025
in CrI.A.No.417 of 2023

Additional District and Sessions Court, (Fast Track Court), Villupuram and
to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Mr.G.Ramakrishnan

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 29.11.2022 passed in S.C.No.182 of 2015 on the file of the Additional District and Sessions Court, (Fast Track Court), Villupuram and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the accused in S.C.No.182 of 2015 before the Additional District and Sessions Court, (Fast Track Court), Villupuram, was convicted and sentenced as follows:



Crl.M.P.No.3369 of 2025
in Crl.A.No.417 of 2023

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
Section 326 IPC	Two years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
Section 324 IPC (2 counts)	One year simple imprisonment, for each count.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.417 of 2023 and Crl.M.P.No.5292 of 2023 seeking suspension of sentence and bail and the same was dismissed as withdrawn on 28.11.2023. The instant miscellaneous petition is the second petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that the entire occurrence is one due to a sudden quarrel between the petitioner and the deceased and that apart, only a single blow was given by the petitioner and at any event Section 302 IPC will not attract . He would further submit that there are contradictions in the evidences of the prosecution witnesses. It is his further submission that the petitioner is in



CrI.M.P.No.3369 of 2025
in CrI.A.No.417 of 2023

judicial custody from 29.11.2022. 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 has been in incarceration since 29.11.2022. 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.



Crl.M.P.No.3369 of 2025
in CrI.A.No.417 of 2023

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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 Additional District and Sessions Court, (Fast Track Court), 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



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CrI.M.P.No.3369 of 2025
in CrI.A.No.417 of 2023

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.)
19.11.2025

nsd

To

- 1.The Additional District and Sessions Court,
(Fast Track Court), Villupuram.
- 2.The Inspector of Police,
Pagandai Kottu Road Police Station,
Villupuram District.
- 3.The Superintendent, Central Prison, Cuddalore.
- 4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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Crl.M.P.No.3369 of 2025
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and
M.JOTHIRAMAN, J.

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Crl.M.P.No.3369 of 2025
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