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Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**CRL MP No. 9890 of 2025 in
Crl.A.No.449 of 2025**

1. Gurusamy, M/ 39 years
S/o.Vijayan, No.3/110, Kadukaval
Karan, Kudakkottai, Ramanathapuram,
Tamil nadu - 623532.

Petitioner(s)

Vs

1. State Rep By, The Inspector of Police,
Edappadi Circle, (Thevoor P.S.),
Salem District.
Crime No.67/2015

Respondent(s)

PRAYER

This Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner by by learned Judge, II Additional District and Sessions Judge, Salem in Session case No.166 of 2024 vide order dated 19.03.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



WEB COPY



Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

For Petitioner(s): M/s.A.Rajakumar and
M.Sudhan
V.Ranjitha

For Respondent(s): Mr.A.Gokula Krishnan,
Additional Public Prosecutor

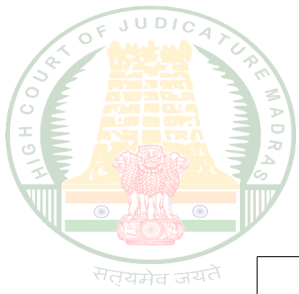
ORDER

**J.NISHA BANU, J.
AND
S.SOUNTHAR, J.**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Salem in Session case No.166 of 2024 , dated 19.03.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The learned II Additional District and Sessions Judge, Salem has convicted the petitioner and sentenced him as follows:-

Offence under Sec.	Sentence Imposed
147 IPC	To undergo Rigorous Imprisonment of 2 years
449 IPC	To undergo Rigorous Imprisonment of 10 years and to pay a find of Rs.2,000/-, in default, to unergo simple imprisonment for 3 months.



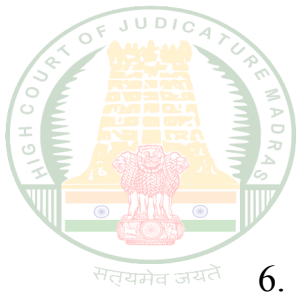
Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

Offence under Sec.	Sentence Imposed
324 r/w 149 IPC	To undergo 3 years Rigorous imprisonment
302 r/w 149 IPC	To undergo Rigorous Imprisonment of life and to pay a fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment.
3(1) of TNPPDL Act	To undergo Rigorous imprisonment of 3 years and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment
The sentences are ordered to run concurrently	

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.

4. The learned counsel for the appellant / petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant/ petitioner is ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellant / petitioner, the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.



Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

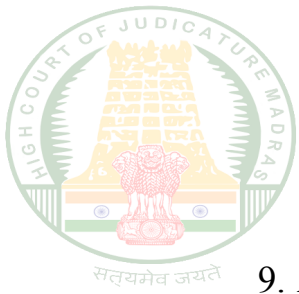
6. The petitioner is arrayed as A7 in the sessions case and the allegation against A5, A6 and A7 are one and the same.

7. This court, in Crl.M.P.No.6900 of 2024 in Crl.A.No.470 of 2024, dated 20.02.2025, has granted suspension of sentence to the co-accused, viz., S.Manickam/A5, by observing as follows.

3. The petitioner is arrayed as A5, who was charged with the offence under Section 302 IPC r/w Section 149 IPC. According to the prosecution, A1 to A4 were died during the trial and A8 to A9 were convicted. As far as the overt act of the present petitioner is concerned, he had attacked the deceased with wooden log on the legs and hands of the deceased.

4. Since the post-mortem report says that the cause of death of the deceased is due to head injury, we are inclined to consider the present petition.

8. Considering the fact that this Court has already granted suspension of sentence to the co-accused/A5 and also taking into account the submissions made by both counsels, coupled with the quantum of punishment imposed upon the petitioner / appellant, and that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

9. 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, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Salem.

(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 on the first working day of every month 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 their absence, as directed by the trial Court.



Crl.M.P.No.9890 of 2025 in
Crl.A.No.449 of 2025

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(iv) On the failure of any of the above conditions by the petitioner, it is open to the trial Court to commit the petitioner/accused into custody for undergoing the sentence.

(J.NISHA BANU J.)(S.SOUNTHAR J.)

081025

Note: Issue Order copy on 09.10.2025

Index:Yes/No

Internet:Yes

MST

To

1. The II Additional District and Sessions Judge,
Salem.
2. The Superintendent, Central Prison, Salem.
3. The Inspector of Police,
Edappadi Circle, (Thevoor P.S.),
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.M.P.No.9890 of 2025 in
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