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CRL MP No. 5909 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

Crl.M.P. No. 5909 of 2025

in Crl.A.No.203 of 2024

1. Babu @ Syed Babu @ Battery Babu
S/O. Syed Basha, Medahalli Parvathi
Nagar Near, M.M.Thirumana
Mandapam, Bangalore - 49. Presently
lodged at Central Prison at Coimbatore.

Petitioner(s)

Vs

1. The Inspector Of Police,
Karumalaikoodal Police Station, Salem
District. Cr.No.217/2016.

Respondent(s)

PRAYER

The Criminal Miscellaneous Petition is filed 389(1) of the Code of Criminal Procedure Code, 1973, to suspend he sentence awarded in the Judgment dated 07.10.2023 passed by the Court of the Sessions Judge, Magalir Neethimandram (Mahila court), Salem in SC.No.60 of 2018 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner(s): M/s.D.Umadevi

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.

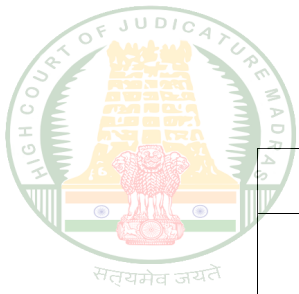
and

S.SOUNTHAR. J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Salem, in S.C.No.60 of 2018 dated 07.10.2023 pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. The learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Salem, in S.C.No.60 of 2018, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence Imposed</i>
U/s.120(B) IPC	To undergo Rigorous Imprisonment for 7 years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for three months
U/s.342 IPC	To undergo simple imprisonment for six months
U/s.396 IPC	To undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months



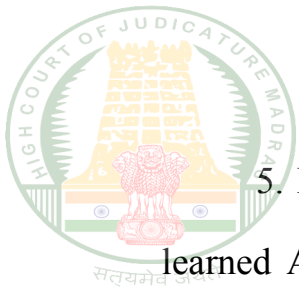
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<i>Offence</i>	<i>Sentence Imposed</i>
U/s.302 IPC	To undergo Life Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months
U/s.450 IPC	To undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months
All 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 respondents and also perused the materials placed on record.

6. Considering the submissions made by both counsels, coupled with the quantum of punishment imposed upon the petitioner / appellant, and taking into account the fact that Accused Nos.2 and 3 stand on the same footing, and that Accused No.2 had already been granted bail by this Court vide order dated 04.03.2025 made in Crl.M.P.No.10042 of 2024 in Crl.A.No.1517 of 2023, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

7. 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 Judicial Magistrate No.II, Mettur.

(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;



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(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 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.

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

13-10-2025

ASI

Note: Issue order copy on or before 14.10.2025

To

1. The Judicial Magistrate No.II, Mettur.
2. The Superintendent, Central Prison,
Coimbatore.
3. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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AND
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