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CRL MP No. 5936 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL MP No. 5936 of 2025

IN

CRL A NO. 304 OF 2025

S.Santhoshkumar

Appellant(s)

Vs

State Rep.By, The Inspector Of Police
K-8, Arumbakkam Police Station,
Chennai - 600 106. Cr.No.276 Of 2014.

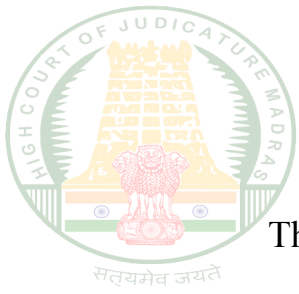
Respondent(s)

PRAYER:

This Criminal Miscellaneous Petition filed under Section 389 Cr.P.C., 430 of BNSS, to suspend the sentence imposed on the petitioner vide order dated 06.03.2025 passed in S.C.No.330 of 2018 on the file of the III Additional City Civil Court, Chennai and to enlarge the appellant on bail, pending disposal of the Criminal Appeal.

For Appellant(s): Mr.A.E. Ravichandran

For Respondent(s): Mrs.G.V.Kasthuri,
Additional Public Prosecutor

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide order dated 06.03.2025 passed in S.C.No.330 of 2018 on the file of the III Additional City Civil Court, Chennai and to enlarge the appellant on bail, pending disposal of the Criminal Appeal.

2. The petitioner herein is the accused in S.C.No.330 of 2018 on the file of the III Additional City Civil Court, Chennai. He was found guilty for the offences under Sections 393 and 397 IPC and he has been convicted and sentenced to undergo seven years Rigorous Imprisonment and to pay fine of Rs.2,000/-, in default to undergo three months simple imprisonment for the offence under Section 393 IPC and seven years Rigorous Imprisonment and to pay fine of Rs.2,000/-, in default to undergo six months simple imprisonment for the offence under Section 397 IPC.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended and also the petitioner may be enlarged on bail pending disposal of the above Criminal Appeal. He would submit that the petitioner is ready to abide the condition imposed by this Court.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing the petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent police, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned **III Additional City Civil Court, Chennai.**



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(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on every alternative 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 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.

7. With the above directions, the Criminal Miscellaneous Petition is ordered.

25-03-2025

(1/2)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Issue Order Copy on 25.03.2025



To
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1. The III Additional City Civil Court, Chennai
2. The Inspector Of Police
K-8, Arumbakkam Police Station,
Chennai - 600 106. Cr.No.276 Of 2014.
3. The Superintendent,
Central Prison-I, Puzhal
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J

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