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Crl.MP.No.6402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.6402 of 2025

in

Crl.A.No.331 of 2025

Vijaya Sarathi

...Petitioner

Vs.

The State of Tamil Nadu  
Rep. By The Inspector of Police,  
Sendurai Police Station,  
Ariyalur District  
(crime No.141 of 2022)

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to suspend the sentence imposed in judgment dated 19.12.2024 passed by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur in SC.No.24 of 2023 and enlarge the appellant/accused on bail, pending disposal of the above appeal.

For Petitioner : M/s.Usha Ramman

For Respondent : Mr.S.Raja Kumar,  
Additional Public Prosecutor



Crl.MP.No.6402 of 2025

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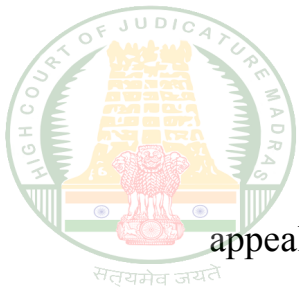
### **ORDER**

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed in judgment dated 19.12.2024 passed by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur in SC.No.24 of 2023 and enlarge the appellant/accused on bail, pending disposal of the above appeal.

2. The petitioner is the accused in SC.No.24 of 2023 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur. He was found guilty of the offences under Sections 353, 342 & 376(1) r/w 511 of IPC and he has been convicted and sentenced as under:

| S.No. | Conviction                    | Sentence                                                                                                                       |
|-------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 353 of IPC            | to undergo two years simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo three months simple imprisonment |
| 2     | Section 342 of IPC            | to undergo one year simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo one month simple imprisonment     |
| 3     | Section 376(1) r/w 511 of IPC | to undergo four years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo one year simple imprisonment  |

Aggrieved by the same, the petitioner has filed the aforementioned criminal



Crl.MP.No.6402 of 2025

appeal along with the present miscellaneous petition.

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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. 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 this 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 on either side and also perused the materials placed on record.



Crl.MP.No.6402 of 2025

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6. On perusal of records, this Court finds prima facie to suspend the sentence imposed on the petitioner by the trial court. Considering the same and also the period of incarceration by the petitioner, this Court is inclined to entertain this petition.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended 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.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court(District & Sessions Judge), Ariyalur.

(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 daily at 10.30 a.m. for a period of 15 days and thereafter appear before the trial court on the first working day of every English



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Crl.MP.No.6402 of 2025

Calendar 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 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

30.07.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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Crl.MP.No.6402 of 2025

**G.K.ILANTHIRAIYAN, J.**

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To

- 1.The learned Sessions Judge, Fast Track Mahila Court(District & Sessions Judge), Ariyalur
- 2.The Inspector of Police,  
Sendurai Police Station,  
Ariyalur District
- 3.Central Jail at Trichy
- 4.The Public Prosecutor,  
Madras High Court.

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6/6