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Crl.M.P.No.6853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Crl.M.P.No.6853 of 2025

in Crl.A.No.342 of 2025

Murugen

... Petitioner/A3

-VS-

The State Rep.

The Deputy Superintendent of Police,
Ariyalur Police Station, Ariyalur District.

(Crime No.239 of 2018)

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.40 of 2022 on the file of the Fast Track Mahila Court, Ariyalur dated 20.03.2025.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.A.Damodaran

Addl. Public Prosecutor

ORDER

J.NISHA BANU, J.

AND

S.SOUNTHAR, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in S.C.No.40 of



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2022 on the file of the Fast Track Mahila Court, Ariyalur dated 20.03.2025, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned Sessions Judge, Fast Track Mahila Court, Ariyalur, in S.C.No.40 of 2022, had convicted and sentenced the petitioner as follows:

Sl.No.	Rank of the Accused	Offence	Imprisonment	Fine
1.	A3	Section 4 of DP Act	Two Years Simple Imprisonment	Rs.10000/- in default to undergo further SI for three months
		Section 304-B IPC	Life Imprisonment	-

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

4. Learned counsel for the appellant / petitioner submitted that the petitioner has been falsely implicated in the case owing to the reason



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that he is one of the family members of A1 and the case is purely based on circumstantial evidence. In the absence of any evidence to link the accused with the alleged occurrence, the judgment of conviction passed against the petitioner is erroneous. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner/A3 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.

6. The allegation against the petitioner / A3 is vague and the prosecution has not established the specific over act against the petitioner. It is a settled principle of law that, there should be a complete narration of chain of events without any break, pointing unerringly to the guilt of the



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accused, which is missing in the present case. Anyhow, the matter requires detailed deliberations at the time of final hearing.

7. Considering the submissions made on either side, coupled with the quantum of punishment imposed upon the petitioner / appellant, and taking into account the fact 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.

8. 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 for a like sum to the satisfaction of the Fast Track Mahila Court, Ariyalur.

(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.N.B.J.,) (S.S.J.,)
06.10.2025

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To:

1. The Sessions Judge,
Fast Track Mahila Court,
Ariyalur.
2. The Superintendent
Central Prison,
Trichy.
3. The Deputy Superintendent of Police,
Ariyalur Police Station,
Ariyalur District.
4. The Public Prosecutor,
High Court, Madras.



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