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*Crl.M.P.No. 12693 of 2025
in Crl.A.No. 756 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

Crl.M.P.No. 12693 of 2025
in
Crl.A.No. 756 of 2025

Babu Petitioner

Vs

State rep by
The Inspector of Police,
Erumad Police Station,
Nilgiris District.
(Crime No.147 of 2020) Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed by the Court at Sessions Judge, Udhagamandalam, District at Nilgiris S.C.No.29 of 2020 dated 29.11.2024 and release the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.R.Ganesh
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Udhagamandalam, District at Nilgiris, in S.C.No.29 of 2020 dated 29.11.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.29 of 2020 on the file of the learned Sessions Judge, Udhagamandalam, District at Nilgiris. He was found guilty of the offence under Sections 304 part II of IPC and he has been convicted and sentenced him to undergo seven years Rigorous imprisonment and to pay a fine of Rs.1,000/- in default, to undergo simple imprisonment for a period of one month. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the



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petitioner/accused have 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 by any stringent condition that may be imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) 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.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by



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considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, further this criminal appeal is not likely to be taken 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.

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 Judicial Magistrate, Pandalur.

(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 the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are



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not able to appear before the trial Court on any day, they 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.

02.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

1. The Sessions Judge, Udhagamandalam, District at Nilgiris,
2. The Judicial Magistrate, Pandalur.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Erumad Police Station,
Nilgiris District.
5. The Public Prosecutor,
Madras High Court,
Chennai.

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