



Crl.M.P.No.8000 of 2024
in Crl.A.No.696 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

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in Crl.A.No.696 of 2024

1.Gundu Ramesh

2.Arumugam @ Erimedu Arumugam

... Petitioners/A4&A5

Vs.

State By
The Inspector Of Police,
M5 Vadavalli Police Station,
Coimbatore-641 041
(Crime No.104 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed on the petitioners by the learned First Additional District and Sessions Judge, Coimbatore in S.C.No.69 of 2020 dated 22.03.2024 and enlarge them on bail, pending disposal of the main criminal appeal.



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For Petitioners : Ms.R.K.Varshini
for Ms.A.Jagadeeswari

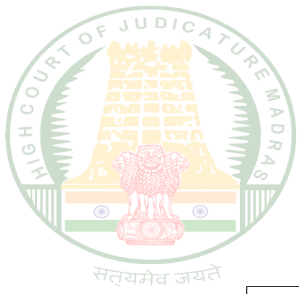
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneen

ORDER

(Order of the Court was made by *M.S.RAMESH. J.*)

This Criminal Miscellaneous Petition has been filed seeking to enlarge the petitioners on bail by suspending the sentence imposed in S.C.No.69 of 2020 dated 22.03.2024 on the file of the learned First Additional District and Sessions Judge, Coimbatore, pending disposal of the Criminal Appeal.

2. The petitioners are arrayed as A4 and A5 in S.C.No.69 of 2020. The learned First Additional District and Sessions Judge, Coimbatore vide judgment dated 22.03.2024 has convicted and sentenced them as follows:-



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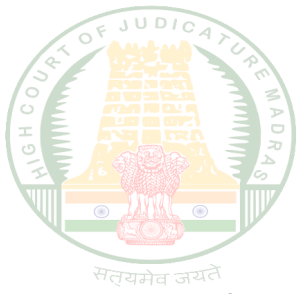
<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A4	Section 147 IPC	1 year of simple imprisonment
	Section 342 IPC	1 year of simple imprisonment
	Section 302 r/w 149 IPC	Life imprisonment and a fine of Rs.5,000/-, I/d 1 year of simple imprisonment
A5	Section 147 IPC	1 year of simple imprisonment
	Section 342 IPC	1 year of simple imprisonment
	Section 302 r/w 149 IPC	Life imprisonment and a fine of Rs.5,000/-, I/d 1 year of simple imprisonment

The sentences are ordered to run concurrently.

3. While the judgment of the trial Court is under challenge in the main Appeal, the petitioners seek for suspension of sentence in the present Miscellaneous Petition.

4. The case of the prosecution is that A1 and A3 had attacked the deceased with a knife causing his death. Insofar as the petitioners herein are concerned, who has been arrayed as A4 and A5, the overt act attributed to them is that they were present at the scene of occurrence.

5. Earlier, this Court had favourably considered the applications seeking for suspension of sentence filed by A1 to A3 in Crl.M.P.No.8528



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of 2024 in Crl.A.No.744 of 2024 dated 05.03.2025 in the following manner:

" 5. The petitioners herein are arrayed as accused 1 to 3 before the trial Court. The 3rd petitioner is the son of the 1st and 2nd petitioners, who are his father and mother respectively. All the three of them have been found guilty for the offences U/s.302, 147, 342 r/w 149 IPC and have been convicted and sentenced to undergo imprisonment for life among other sentences. This is an application seeking for suspension of sentence.

6.Learned counsel for the petitioners, among other grounds, predominantly relied upon the 1st complaint given by the P.W.1 /mother of the deceased, in which she had stated that A1 had stabbed the deceased in the neck, but had later contradicted her own statement during trial and submitted that it was A1 who had held the deceased wife and A3 had stabbed the deceased at the instruction of A2. The contradiction pointed out appears to be a material contradiction, which may have a bearing on the final decision to be taken in the appeal. We have also taken into consideration of the fact that the appellants herein have been in prison for almost a year and this appeal may



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also take some time to be listed for final hearing. In view of the prima facie case made out by the petitioners herein, this Court is inclined to suspend the sentence imposed on the petitioners."

6. Though serious overt acts have been attributed to A1 to A3, this Court had considered their applications. By taking into consideration of the lesser overt act attributed to the petitioners herein, we are inclined to suspend the sentence of the petitioners/A4 and A5.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioners herein, is suspended till the disposal of the appeal and they are ordered to be enlarged on bail, on the following conditions:-

(i) The petitioners shall execute separate bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the First Additional District and Sessions Judge, Coimbatore;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of



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their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the 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.

(M.S.R, J.)

(V.L.N, J.)

19.06.2025

Anu

Note: Issue order copy on 20.06.2025

To

1.The First Additional District and Sessions Judge, Coimbatore

2.The Inspector Of Police,
M5 Vadavalli Police Station,
Coimbatore-641 041



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3.The Superintendent of Prison,
Central Prison, Coimbatore

4.The Public Prosecutor,
High Court, Madras.



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V. LAKSHMINARAYANAN, J.

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