



*Crl.M.P.No.7742 of 2024
in Crl.A.No.584 of 2024*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM :

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

Crl.M.P.No.7742 of 2024
in Crl.A.No.584 of 2024

Aravindh

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Vellithirupur Police Station,
Erode District.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. seeking to suspend the sentence imposed by the learned IV Additional District & Sessions Judge at Bhavani in S.C.No.76 of 2022 dated 15.03.2024.

For Petitioner : Mr.R.John Sathyan, Sr. Counsel
for Mr.P.Divakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Mr.M.Karthikeyan



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ORDER

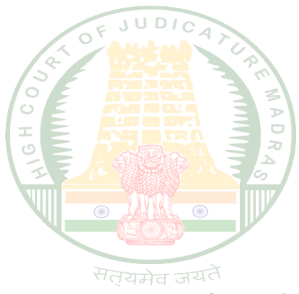
(Order of the Court was made by *M.S.RAMESH,J.*)

The petitioner herein, who was arrayed as the 1st accused before the Trial Court, has been convicted and sentenced to undergo life imprisonment, together with a fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment under Section 120B r/w 302 of Indian Penal Code (IPC), through the judgment passed in S.C.No.76 of 2022 dated 15.03.2024.

2. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and seeks for suspension of sentence and bail in the present miscellaneous petition.

3. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. The case of the prosecution is that A1 had contacted A7 and A8 for causing the murder of the deceased, for which purpose A7 and A8 is said to have engaged hirelings, namely A2 to A6. The Trial Court had



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WEB COPY

found that there were no materials to implicate A7 and A8 in this case and accordingly acquitted them for the offence under Section 120B r/w 302 IPC. If that be so, we fail to understand as to how the aforesaid offence can be made out only against A1, when A7 and A8, with whom A1 is said to have conspired, have been acquitted. On this aspect, A1 may have a fair chance of success in the main appeal.

5. Taking into consideration the petitioner/A1's period of incarceration of more than 1½ years and also the fact that the main Criminal Appeal may not be taken up for final disposal in the near future, we are inclined to suspend the sentence of the petitioner.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner/A1 is suspended on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate-II, Bhavani.
- (ii) The petitioner and the sureties shall affix their



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*Crl.M.P.No.7742 of 2024
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photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar Card or Bank Pass Book and mobile numbers to ensure their identity; and

(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 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.]
21.08.2025

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Note: Issue Order Copy on 22.08.2025



*Crl.M.P.No.7742 of 2024
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To

- 1.The Judicial Magistrate,-II,
Bhavani
- 2.The Superintendent of Prisons,
Central Prison, Coimbatore District.
- 3.The Inspector of Police,
Vellithirupur Police Station,
Erode District.
- 4.The Public Prosecutor,
High Court of Madras.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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