



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

Jayaraj
S/o.Arokiasamy
66A, Rottu Street,
Karaiyandhal Village, Tiruvannamalai District.

Petitioner(s)/Accused

Vs

The State represented by its
The Inspector Of Police,
J3-Guindy Police Station (Law and Order),
Guindy, Chennai.

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the petitioner by judgment dated 07.02.2024 passed in S.C.No.292 of 2021 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai and to enlarge the petitioner on bail pending disposal of the above appeal.



WEB COPY



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

For Petitioner(s) : Mr.T.Saraganan

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

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 07.02.2024 passed in S.C.No.292 of 2021 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the accused in S.C.No.292 of 2021 before the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai, was convicted and sentenced as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo six months simple imprisonment.
Section 201 IPC	Seven years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo three months simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentence, the petitioner



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

has filed Crl.A.No.1033 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

WEB COPY

4. The learned counsel appearing for the petitioner would submit that there is no direct evidence to show that the deceased was strangled and in fact, the deceased committed suicide. He would further submit that the prosecution theory itself would indicate that there was quarrel between the husband and wife and as a result, the alleged occurrence took place. It is his further submission that the petitioner is in judicial custody. Stating so, he prayed for the grant of suspension of sentence and bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence.

7. The petitioner has raised substantial grounds in the appeal which



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

require detailed appraisal. Moreover, the petitioner is in incarceration.

Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition is allowed and the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai;
- (ii) 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 to ensure their identity;
- (iii) The petitioner shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court



WEB COPY



CrI.M.P.No.11335 of 2024
in CrI.A.No.1033 of 2024

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; and

- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(N.S.K., J.) (M.J.R., J.)
19.11.2025

nsd



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

To

WEB COPY

- 1.The Sessions Judge, Mahalir Neethimandram,
Allikulam, Chennai.
- 2.The The Inspector Of Police,
J3-Guindy Police Station (Law and Order),
Guindy, Chennai.
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



WEB COPY



Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

nsd

Crl.M.P.No.11335 of 2024
in Crl.A.No.1033 of 2024

19.11.2025