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Crl.M.P.No.7895 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Crl.M.P.No.7895 of 2024

in

Crl.A.No.692 of 2024

1. Ajith
2. Karthick

... Petitioners/A1 & A2

-VS-

The State Rep. through its
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District
(Crime No.145 of 2022)

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence and conviction made in the judgment in S.C.No.16 of 2023 on the file of the Principal Sessions Court, Tiruppur dated 13.02.2024

For Petitioners : Mr.N.Anandakumar

For Respondent : Mr.A.Damodaran
Addl. Public Prosecutor

ORDER



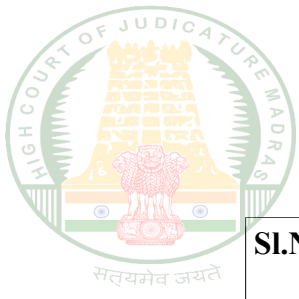
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in S.C.No.16 of 2023 on the file of the Principal Sessions Court, Tiruppur dated 13.02.2024, pending disposal of the Criminal Appeal before this Court and enlarge the petitioners on bail.

2. Learned Principal Sessions Judge, Tiruppur, in S.C.No.16 of 2023, had convicted and sentenced the petitioners as follows:

Sl.No.	Rank of the Accused	Offence	Imprisonment	Fine
1.	A1	Section 302 IPC	Life Imprisonment	Rs.2000/- in default to undergo further RI for three months
		Section 364 IPC	Rigorous Imprisonment for 10 years	Rs.1000/- in default to undergo further RI for 3 months
2.	A2	Section 302 IPC	Life Imprisonment	Rs.2000/- in default to undergo further RI for three months
		Section 364 IPC	Rigorous Imprisonment for 10 years	Rs.1000/- in default to undergo further RI for 3 months
		Section 404 IPC	Rigorous Imprisonment	Rs.1000/- in default to undergo further RI



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Sl.No.	Rank of the Accused	Offence	Imprisonment	Fine
			for 3 years	for 3 months

3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeal and they seek suspension of sentence and bail in the present Miscellaneous Petition.

4. Learned counsel for the appellants / petitioners submitted that the case is purely based on circumstantial evidence and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioners have a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellants / petitioners may be suspended. He further submitted that the appellants / petitioners are ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellants / petitioners, the learned Additional Public Prosecutor appearing for the



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respondents and also perused the materials placed on record.

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6. This is a case based on circumstantial evidence. It is a settled principle of law that in a case based on circumstantial evidence, the circumstances projected by the prosecution are to be proved beyond reasonable doubts and such proved circumstances should form a complete chain without any break, pointing unerringly to the guilt of the accused and there should not be any other hypothesis, which is inconsistent with the guilt of the accused.

7. Considering the submissions made on either side, coupled with the quantum of punishment imposed upon the petitioners / appellants, and taking into account the fact that this 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 petitioners is suspended on the following conditions:-



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(i) Each of the petitioners shall execute 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 Principal Sessions Court, Tiruppur.

(ii) The petitioners 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;

(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 Criminal Appeal and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the trial Court.

(iv) On the failure of any of the above conditions by the petitioners / accused, it is open to the trial Court to commit the petitioners / accused into custody for undergoing the sentence.

(J.N.B.J.) (S.S.J.)
22.09.2025

ar

J.NISHA BANU, J.
AND
S.SOUNTHAR, J.

ar

To:



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1. The Principal Sessions Judge,
Tiruppur.
2. The Superintendent
Central Prison,
Coimbatore.
3. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District
4. The Public Prosecutor,
High Court, Madras.

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