



Crl.M.P.No.8234 of 2025
in Crl.A.No.393 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

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

Crl.M.P.No.8234 of 2025
in Crl.A.No.393 of 2025

Saraswathy

... Petitioner/A2

Vs.

State By
The Inspector Of Police,
Vadalur Police Station,
Cuddalore

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed in order dated 07.03.2025 passed by the I Additional District & Sessions Court, Cuddalore in S.C.No.315 of 2019 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.K.Thenrajan

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



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ORDER

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

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in S.C.No.315 of 2019 dated 07.03.2025 on the file of the I Additional District and Sessions Court, Cuddalore pending disposal of the Criminal Appeal.

2. The petitioner is arrayed as A2 in S.C.No.315 of 2019. The I Additional District and Sessions Court, Cuddalore vide judgment dated 07.03.2025 has convicted and sentenced her as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A2	Sections 302 IPC r/w Section 201 IPC	Three years RI and a fine of Rs.5,000/-, I/d three months SI

3. Challenging the above conviction and sentence, the petitioner/A2 has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.



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4. Heard Mr.Thenrajan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondent/Police.

5. A Co-ordinate Bench of this Court, through order passed in Crl.M.P.No.6720 of 2025 in Crl.A.No.340 of 2025 dated 21.05.2025, had suspended the sentences of A3 and A4 in the following manner:

" Heard both sides.

2. The petitioners are figuring as accused Nos.3 and 4 in S.C.No.315 of 2019 on the file of the I Additional District and Sessions Court, Cuddalore. They were convicted by the learned Sessions Judge for the offence under Section 302 IPC r/w. Section 201 IPC and sentenced to undergo three years rigorous imprisonment and fined Rs.5,000/- (Rupees Five Thousand only) in default of payment of fine, simple imprisonment for Three months.

3. One Ayyapillai @ Poorasamy was done to death. As far as the petitioners are concerned, there is no allegation of any overt act against the deceased.

4. We are clearly of the view that the petitioners' case is not having parity with that of the principal accused(A1). Besides this, there are other arguable points in favour of the petitioners herein.



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Since the main appeal may not be taken up for disposal immediate in the near future, we are inclined to suspend the sentence imposed on the petitioners herein.

5. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 07.03.2025 is suspended subject to the following conditions:-

i. The petitioners/ accused Nos.3 and 4 are directed to be enlarged on bail on executing a bond for Rs.25,000/-(Rupees twenty five thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kurinjipadi.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioners shall report before the learned I Additional District & Sessions Judge, Cuddalore, in the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Court on any other day in lieu of the date of their absence, as directed by the Court."

6. The reasoning adopted by the Co-ordinate Bench for A3 and A4 will squarely apply to the petitioner herein, who is arrayed as A2. As such,



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we are inclined to suspend the sentence of the petitioner/A2.

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7. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, 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 I Additional District and Sessions Court, Cuddalore;

(ii) The petitioner and the sureties shall affix their 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



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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.)

12.06.2025

Anu

Note: Issue order copy on 13 .06.2025

To

1.The I Additional District and Sessions Court, Cuddalore

2.The Inspector Of Police,
Vadalur Police Station,
Cuddalore

3.The Public Prosecutor,
High Court, Madras.



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and
V. LAKSHMINARAYANAN, J.

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