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Crl.M.P.No.7866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.7866 of 2024 in

Crl.A.No.674 of 2024

Mathi @ Mathiyalagan

... Petitioner/Appellant

-VS-

State by Inspector of Police,
Marakkanam Police Station,
Villupuram District,
Crime No.99/2023

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence and fine amount passed in S.C.No.176/2023 dated 17.04.2024 on the file of the Second Additional Sessions Judge, Tindivanam District and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.A.N.Rajan

For Respondent : Mr.A.Damodaran

Addl. Public Prosecutor

Assisted by M.Arifa Thasneem

Advocate

ORDER

(Order of the Court was made by N.SATHISH KUMAR.J.,)

This Criminal Miscellaneous Petition has been filed seeking to

suspend the sentence and conviction made in the judgment dated 17.04.2024,

in S.C.No.176 of 2023, on the file of the II Additional Sessions Judge,



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Tindivanam District, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned II Additional Sessions Judge, Tindivanam District, in S.C.No. 176 of 2023, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
Sole accused	449 IPC	7 years Rigorous Imprisonment	-
Sole accused	302 IPC	Imprisonment for life	Rs.10,000/- in default to undergo Rigorous Imprisonment for two years.

3. Challenging the above conviction and sentence, the petitioner has filed the present Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.

4. Learned counsel for the appellant / petitioner submitted that the evidence given by the eye witness is not highly reliable and the other witnesses have turned hostile. He further submitted that there are arguable points available in the Criminal Appeal and that the appellant/petitioner has a



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fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He also submitted that the appellant / petitioner is ready to abide by any condition imposed by this Court.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent filed the counter affidavit and objected granting of suspension of sentence to the petitioner.

6. We have heard the rival submissions and perused the entire materials available on record.

7. Accordingly, considering the submissions made on either side and taking into account the fact that the 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 petitioner is suspended on the



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following conditions:-

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(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate – II, Tindivanam;

(ii) The petitioner 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 petitioner shall appear before the trial Court on every Monday at 10.30 a.m., until the disposal of the Criminal 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 of 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.

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

(N.S.K.,J.) (M.J.R.,J.)
18.11.2025

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1. The Judicial Magistrate – II,
Tindivanam.
2. The II Additional Sessions Judge,
Tindivanam District
3. The Superintendent
Central Prison, Cuddalore.
4. The Inspector of Police,
Marakkanam Police Station,
Villupuram District,
Crime No.99/2023
5. The Public Prosecutor,
High Court, Madras.

N.SATHISH KUMAR, J.
AND



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M.JOTHIRAMAN, J.

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