



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.9625 of 2025

in Crl.A.No.442 of 2025

Balu

... Petitioner/A1

-VS-

The State Rep.

The Deputy Superintendent of Police,

Brammadesam Police Station

Crime No.378/2018

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed on him in Special S.C.No.20 of 2019 on the file of the Special Court for SC & ST Cases, Villupuram dated 23.04.2025.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.A.Damodaran

Addl. Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in Special S.C.No.20 of 2019 on the file of the Special Court for SC & ST Cases, Villupuram dated 23.04.2025, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.



WEB COPY

2. Learned Special Court for Exclusive Trial of Cases Registered under the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989, Villupuram, in Special S.C.No.20 of 2019, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A1	302 IPC	Rigorous imprisonment for life	Rs.10000/- in default to undergo further rigorous imprisonment for 3 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 absolutely there is no evidence as against the present petitioner and the entire prosecution case is based on the solitary evidence of PW1 and PW1 has never spoken about the presence of the petitioner (A1) in the place of occurrence, but the trial Court came to the conclusion that the petitioner has inflicted the injury. In the absence of any evidence to link the accused with the alleged occurrence, the judgment of conviction passed against the petitioner is erroneous. He further submitted that there are arguable points available in the Criminal Appeal and that the



petitioner/A1 has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant / petitioner is ready to abide by any condition imposed by this Court.

5. The respondent has filed the counter affidavit. The learned Additional Public Prosecutor, adverting to the counter affidavit, submitted that PW1 has clearly spoken about the overt act of the petitioner/appellant.

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

7. It is seen that PW1 has not spoken about the presence of the petitioner/A1 in the place of occurrence and hence, we are of the view that the petitioner/appellant has made out a *prima facie* case for suspending the sentence.

8. 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.



WEB COPY



9. Accordingly, this Criminal Miscellaneous Petition stands

allowed and the sentence imposed on the petitioner is suspended on the following conditions:-

(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 Sessions Judge for Exclusive Trial of Cases registered under the SC & ST (Prevention of Atrocities) Act, Villupuram;

(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.)

17.11.2025

gpa



To

WEB COPY

1. The Sessions Judge for Exclusive
Trial of SC/ST Act Cases, Villupuram
2. The Superintendent
Central Prison, Cuddalore
3. The Deputy Superintendent of Police,
Brammadesam Police Station
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



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

gpa

Crl.M.P.No.9625 of 2025
in Crl.A.No.442 of 2025

17.11.2025