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*Crl.M.P.No.9987 of 2025
in Crl.A.No.474 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.9987 of 2025

in

Crl.A.No.474 of 2025

1.Sathya

2.Babu

..... Petitioners

Vs

The State represented by
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.
Cr.No.677 of 2020.

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed against the petitioners/appellants in S.C.No.159 of 2021 dated 22.04.2025 by the learned II Additional District and Sessions Judge, Chidambaram.

For Petitioners : Mr.G.Pugazhenth

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned II Additional District and Sessions Judge, Chidambaram in S.C.No.159 of 2021 dated 22.04.2025, and release the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who is an accused in S.C.No.159 of 2021, was convicted and sentenced by the II Additional District and Sessions Judge, Chidambaram, vide judgment dated 22.04.2025, as follows:

Rank of the accused	Conviction under Section	Sentence awarded
1 st Accused	302 of IPC	To undergo 5 years Simple Imprisonment with a fine of Rs.2,000/-.
2 nd Accused	302 of IPC	To undergo 5 years Simple Imprisonment with a fine of Rs.2,000/-.

Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide any condition to be imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.



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6. Considering the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor, coupled with the quantum of punishment imposed upon the petitioners and taking into consideration the fact that this criminal appeal is not likely to be taken 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.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail is granted on the following conditions:

(a) The petitioners/accused is ordered to be released on bail, on their executing a separate 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 Judicial Magistrate No.II, Chidambaram.

(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.



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(c) The petitioners shall appear before the Trial Court daily at 10.30 a.m., for a period of 30 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

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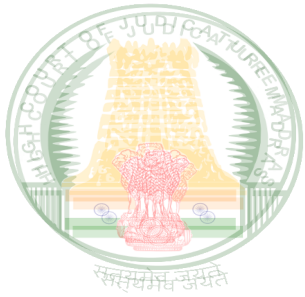
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Judicial Magistrate No.II, Chidambaram.

2.The Superintendent,
Special Prison for Women, Vellore

3.The Superintendent,
Central Prison, Cuddalore



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4.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.

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