



WEB COPY

CRL MP No. 10008 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 10008 of 2025

IN

CRL A NO. 482 OF 2025

Sakthivel

S/o. Devaraj, No.175, Periyakoodal,
Shenoy Nagar, Chennai - 600 030.

Petitioner(s)

Vs

The State Rep.by, The Inspector of
Police,
K3, Aminjikarai Police Station,
Chennai. Cr.No.88 of 2021.

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner / Appellant by the learned XIX Additional Judge, City Civil Court, Chennai dated 29.04.2025 made in SC.No.243 of 2022 and enlarge the Petitioner / Appellant on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr. V.Senthil Murugan

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

**ORDER**

WEB COPY

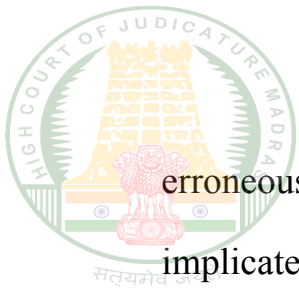
This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned XIX Addl. Judge, City Civil Court, Chennai, in S.C.No.243 of 2022 dated 29.04.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.243 of 2022 on the file of the learned XIX Addl. Judge, City Civil Court, Chennai. He was found guilty of the offences under Section 307 r/w 34 and 452 of IPC/BNS and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 307 r/w 34 of I.P.C.	to undergo simple imprisonment for a period of five years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for six months.
2	Section 452 of IPC	to undergo simple imprisonment for a period of 3 years and to pay fine of Rs.500/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there is no independent witness on the side of prosecution, all were family members, who are interested witnesses, inspite of that, the court below

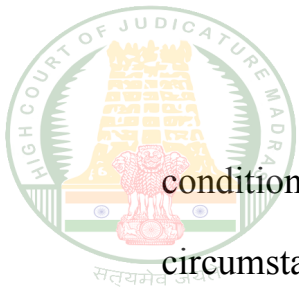


erroneously convicted the accused. He would submit that he has been falsely implicated in this case and he is having valid defence to prove his case. He would further submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) 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.

6. According to the petitioner, there is no independent witness on the side of prosecution, all were family members, who are interested witnesses, inspite of that, the court below erroneously convicted the accused and he is in judicial custody from 29.04.2025 for more than six months and he is ready to abide any



condition imposed by this court. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further 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 are granted on the following conditions:

(a) The petitioner/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, **in which one surety must be a blood surety**, each for a like sum to the satisfaction of the **learned XIX Addl. Judge, City Civil Court, Chennai.**

(b) The petitioner/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.



WEB COPY

(c) **The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of four months and he shall cooperate with the trial proceedings and also directed to appear before the Trial Court on the first working day of every English Calendar month 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 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.

9. Post the matter on 06.01.2025.

16-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

N.B. :- Issue order copy on 17.10.2025



To
WEB COPY

1. XIX Addl. Judge, City Civil Court, Chennai.
2. The Inspector of Police,
K3, Aminjikarai Police Station, Chennai.
3. The Superintendent of Prison, Central Prison-1, Puzhal, Chennai.
4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL MP No. 10008 of 2025



T.V.THAMILSELVI J.

rpp

**CRL MP No. 10008 of
2025
IN CRL A NO. 482 OF
2025**

16-10-2025