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Crl.MP.No.10545 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

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

Crl.M.P.No.10545 of 2025

in

Crl.A.No.576 of 2025

- 1.Mathi @ Mathiyazhagan
- 2.Murugan
- 3.Maniyan @ Balasubramanian
- 4.Krishnaraj
- 5.Jayaprakash

...Petitioners

Vs.

State Rep by
Inspector of Police,
Periyanaicken Palayam Police Station,
Coimbatore
(Crime No.324 of 2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed on the petitioners by the learned III Additional Subordinate Judge, Coimbatore by judgment dated 29.04.2025 made in SC.no.170 of 2018 and enlarge the petitioners on bail, pending disposal of the above appeal.



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For Petitioners : Mr.G.Karthikeyan,
Senior Counsel
for M/s.A.Jagadeeswari

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

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed on the petitioners by the learned III Additional Subordinate Judge, Coimbatore by judgment dated 29.04.2025 made in SC.no.170 of 2018 and to enlarge the petitioners on bail, pending disposal of the above appeal.

2. The petitioners herein are the accused in SC.no.170 of 2018 on the file of the learned III Additional Subordinate Judge, Coimbatore by judgment dated 29.04.2025. They were found guilty and they have been convicted and sentenced as under:

Rank	Conviction	Sentence
A1	Section 148 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-
	Section 294(b) of	to undergo simple imprisonment for a period



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Rank	Conviction	Sentence
	IPC	of three months and to pay a fine of Rs.500/-
	Section 307 of IPC	to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/-
	Section 506(ii) of IPC	to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/-
A2	Section 148 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-
	Section 323 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-
A4	Section 148 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-
	Section 323 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-
A5	Section 148 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-
	Section 323 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-
A6	Section 148 of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-
	Section 323 of IPC	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-
in default, three months simple imprisonment		

Aggrieved by the same, the petitioner has filed the appeal along with the present miscellaneous petition.



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3. The learned Senior Counsel for the petitioners/accused would 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 petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition 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 facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned Senior Counsel for the petitioners and the learned Additional Public Prosecutor 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 petitioners/accused are 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.VI, Coimbatore.

(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.

(c) The petitioners shall appear before the Trial Court



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daily at 10.30 a.m. for a period of 30 days and thereafter 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 they are not able to appear before the trial Court on any day, they 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 their 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
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To

- 1.The learned III Additional Subordinate Judge, Coimbatore
- 2.The learned Judicial Magistrate No.VI, Coimbatore.
- 3.Inspector of Police,
Periyanaicken Palayam Police Station,
Coimbatore
- 4.Central Prison,
Coimbatore
- 5.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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