



WEB COPY

Crl.MP.No.10489 of 202

Crl.A.No.957 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**CRL MP No. 10489 of 2024 in
Crl.A.No.957 of 2024**

1. Tr.Annamalai @ Vellakutti Karthi
S/o.Annadurai, Kakkayankadu,
Nadupatty Post, Kadayampatty Taluk,
Salem District.

Petitioner(s)

Vs

1. The State Represented By
Inspector Of Police, Deevattipatty
Police Station, Salem District.
Crime No.109/2022

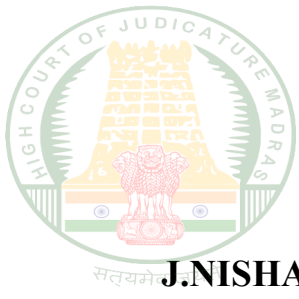
Respondent(s)

PRAYER

Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C. to suspend the sentence imposed by the I Additional District and Sessions Judge, Salem in S.C.No.94/2023 dated 18.04.2024 and enlarge the petitioner on bail pending disposal of the above said appeal.

For Petitioner(s): Mr. S. Parthasarathy

For Respondent(s): Mr.A.Gokulakrishnan,
Additional Public Prosecutor



ORDER

J.NISHA BANU, J.
WEB ANDY
S.SOUTHAR, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner by the learned I Additional District and Sessions Judge, Salem in S.C.No.94/2023 dated 18.04.2024, pending disposal of the Criminal Appeal before this Court and enlarge him on bail.

2. The learned I Additional District and Sessions Judge, Salem, in S.C.No.94/2023, has convicted the petitioner for the offence under Section 302 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.5,000/- and in default to undergo six months Rigorous Imprisonment

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

4. The learned counsel for the appellant / petitioner submitted that it is a case based on circumstantial evidence and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence



is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner 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. Heard the learned counsel appearing for the appellant / petitioner, the learned Additional Public Prosecutor appearing for the respondents and also perused the materials placed on record.

6. A perusal of the records shows that the PW8 and PW9, who were examined to prove accused was found with material object (M.O.3) near scene of occurrence, had turned hostile. Further, this is a case, based on circumstantial evidence. It is a settled principle of law that in a case based on circumstantial evidence, the circumstances projected by the prosecution are to be proved beyond reasonable doubts and such proved circumstances should form a complete chain without any break, pointing unerringly to the guilt of the accused and there should not be any other hypothesis, which is inconsistent with the guilt of the accused.

7. Considering the submissions made by both counsels, coupled with the quantum of punishment imposed upon the petitioner / appellant, and taking into



account the fact that this 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 following conditions:-

(i) The petitioner shall execute a 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, Omalur.

(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 the first working day of every 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 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.



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(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.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

13.10.2025

MST

Note: Issue order copy on 15.10.2025



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To

1. The Superintendent of Prison, Salem.
2. The Judicial Magistrate, Omalur
3. The Inspector Of Police,
Deevattipatty Police Station, Salem District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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J. NISHA BANU, J.
AND
S. SOUNTHAR, J.

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