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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.11522 of 2025

in Crl.A.No.760 of 2024

Prabhu

... Petitioner/A1

-VS-

The State Rep.

The Inspector of Police

Tiruvannamalai Town Police Station

Tiruvannamalai District

Crime No.7/2017

... 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 S.C.No.83 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvannamalai District dated 20.05.2024.

For Petitioner : Mr.Sharath Chandran
for Mr.T.Balachandran

For Respondent : Mr.A.Damodaran
Addl. Public Prosecutor
assisted by
M/s.M.Arifa Thasneem

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in S.C.No.83 of 2019 on the file of the learned Sessions Judge, Fast Track



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Mahila Court, Tiruvannamalai dated 20.05.2024, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned Sessions Judge, Fast Track Mahila Court, Tiruvannamalai, in S.C.No.83 of 2019, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A1	120B IPC	Imprisonment for life	Rs.1000/- in default to undergo further simple imprisonment for 3 months
A1	148 IPC	Simple Imprisonment for 1 year	Rs.1000/- in default to undergo further simple imprisonment for one month
A1	302 IPC	Imprisonment for life	Rs.1000/- in default to undergo further simple imprisonment for 3 months
These sentences were ordered to run concurrently			

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



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that the evidence of PW1/so-called eye-witness is not reliable and the so-called dying declaration is also introduced later. FIR is also filed 10 hours later and before the Medical Officer, PW1 has stated that an unknown person has attacked the deceased. deceased is none other than the mother of PW1. If really, there was oral dying declaration, the same should have been referred to at the earlier point of time which has not been done so. Further, he would submit that other accused have already been granted bail. 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 learned Additional Public Prosecutor, submitted that there is materials against the petitioner/appellant.

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

7. Mr.R.Sankarasubbu, learned counsel for the defacto complainant opposed the bail application though his earlier intervening application was dismissed. At any event, this Court is 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.

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, Fast Track Mahila Court, Tiruvannamalai;

(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.)
25.11.2025

dhk

To

1. The Sessions Judge
Fast Track Mahila Court, Tiruvannamalai
2. The Superintendent
Central Prison, Vellore
3. The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai District
4. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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