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*Crl.M.P.No.13798 of 2025
in Crl.A.No. 933 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.M.P.No. 13798 of 2025
in
Crl.A.No. 933 of 2025

Prakash

..... Petitioner

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Avinasi Police Station,
Avinasi.
Crime No.637 of 2023

..... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.96 of 2024 on the file of the II Additional District and Sessions Judge, Tiruppur, dated 25.03.2025, pending disposal of the above appeal.

For Petitioner : Mr.P.Veeraraghavan

For Respondent : Mr.S.Raja Kumar
Additional Government Pleader



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned II Additional District and Sessions Judge, Tiruppur, in S.C.No.96 of 2024 dated 25.03.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the second accused in S.C.No.96 of 2024 on the file of the learned II Additional District and Sessions Judge, Tiruppur. He was found guilty of the offence under Section 304(2) of IPC and sentenced him to undergo rigorous imprisonment for a period of five years. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/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



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petitioner/accused may be suspended. He would submit that the petitioner 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.

6. A perusal of the records reveals that the petitioner has made out a prima facie case for grant of suspension of the sentence imposed by the Trial Court. That apart, the petitioner is in incarceration imprisonment.



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7. 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 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.

8. 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 are ordered to be released on bail, on his executing 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, Avinashi.

(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.



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(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m. for a period of thirty 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, 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 his absence, as directed by the trial Court.

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

15.07.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
Lpp

To

1. The II Additional District and Sessions Judge,
Tirppur.
2. The Superintendent,
Central Prison,
Coimbatore.
3. The Inspector of Police,
Avinasi Police Station,
Avinasi.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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