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Crl.M.P.No.11379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.11379 of 2025

in Crl.A.No.650 of 2025

1. Mallesh

... Petitioner/A5

2. Ponnusamy

... Petitioner/A7

-VS-

The State Rep. by

The Inspector of Police,

Keelamangalam Police Station,

Crime No.220/2016

... Respondent

Prayer: Petition filed under Section 430 BNSS to suspend the sentence passed against the appellants by the judgment dated 25.04.2025 made in S.C.No.1 of 2018 on the file of Additional District and Sessions Judge, Hosur, pending disposal of the criminal appeal.

For Petitioners : Mr.S.Satheesh Kumar

For Respondent : Mr.A.Damodaran

Addl. Public Prosecutor

Assisted by Ms.M.Arifa Thasneem

Advocate

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence passed against the appellants by the judgment dated 25.04.2025 made in S.C.No.1 of 2018 on the file of Additional



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District and Sessions Judge, Hosur and enlarge the petitioner on bail, pending disposal of the criminal appeal.

2. Learned Additional District and Sessions Judge, Hosur, in S.C.No.1 of 2018, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A5 & A7	Section 302 r/w 149 IPC	Life imprisonment each	Rs.1,000/- each in default to undergo simple imprisonment for one month
	Section 201 r/w 302 IPC	Simple imprisonment for one year each	Rs.1,000/- each in default to undergo simple imprisonment for one month

3. Challenging the above conviction and sentence, the petitioners have filed the present criminal Appeal and seek suspension of sentence and bail in the present Miscellaneous Petition.

4. Learned counsel for the appellants / petitioners submitted that A6 in this case has already been granted suspension of sentence and the various circumstances relied upon the prosecution is not complete and there is no evidence whatsoever against the petitioners and the Trial Court has relied the extra judicial confession made by A1. He further submitted that there are arguable points available in the Criminal Appeal



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and that the petitioners have a fair chance of succeeding in the same.

Therefore, the substantive sentence imposed against the appellants / petitioners may be suspended. He further submitted that the appellants / petitioners are ready to abide by any condition imposed by this Court.

5. The respondent has filed the counter affidavit. The learned Additional Public Prosecutor, submitted that there are materials against the petitioners/appellants.

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

7. The entire case rests mainly on the circumstantial evidences and the Trial Court has persuaded on the alleged extra judicial confession made by A1 and there is no incriminating materials pointing towards the present accused. Hence, this Court is of the view that the petitioners/appellants have 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



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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) Each of the petitioners 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 District Munsif-cum-Judicial Magistrate, Denkanikottai;

(ii) The petitioners 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 petitioners shall appear before the trial Court on every Monday 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 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of



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their absence, as directed by the trial Court.

(iv) On the failure of any of the above conditions by the petitioners / accused, it is open to the trial Court to commit the petitioners / accused into custody for undergoing the sentence.

(N.S.K.,J.) (M.J.R.,J.)
27.11.2025

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To

1. The Additional District and Sessions Judge,
Hosur.
2. The District Munsif-cum-Judicial Magistrate,
Denkanikottai.
3. The Superintendent
Central Prison, Salem.
4. The Inspector of Police,
Keelamangalam Police Station,
5. The Public Prosecutor,
High Court, Madras.

N.SATHISH KUMAR, J.



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