



Crl.M.P.Nos.12550 & 7571 of 2025
in Crl.A.Nos.81 of 2024 & 363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.Nos.12550 & 7571 of 2025
in Crl.A.Nos.81 of 2024 & 363 of 2025

Govindasamy @ Govindan
S/o.Jayavarman,
No.15, IIIrd Cross, Palavadi Street, Pudunagar,
Thengaithittu, Puducherry.

Petitioner(s)/A1 in Crl.M.P.No.12550 of 2025

Kannan
S/o.Marimuthu,
No.30, Othavadai Street, Pudu Nagar,
Thengaithittu, Pondicherry.

Petitioner(s)/A2 in Crl.M.P.No.7571 of 2025

Vs

The State represented by the
Inspector of Police, Mudaliyarpet
Police Station, Puducherry.

Respondent(s)/Complainant in both cases



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Civil Miscellaneous Petitions filed under Section 389 Cr.P.C.

[Section 430(1) of BNSS, 2023], to suspend the sentence imposed on the petitioners by judgment dated 05.01.2024 passed in S.C.No.21 of 2016 on the file of the III Additional Sessions Court, Puducherry and enlarge the petitioners on bail, pending disposal of the above criminal appeals.

For Petitioner in

Crl.M.P.No.12550 of 2025 : Mr.C.R.Malarvannan

For Petitioner in

Crl.M.P.No.7571 of 2025 : Mr.B.Balavijayan

For Respondent in

both cases

: Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)

COMMON ORDER

(Made by N.Sathish Kumar, J.)

These criminal miscellaneous petitions have been preferred seeking to suspend the sentence imposed on the petitioners by judgment dated 05.01.2024 passed in S.C.No.21 of 2016 on the file of the III Additional Sessions Court, Puducherry and enlarge the petitioners on bail, pending disposal of the above criminal appeals.



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2. The petitioners, who were the accused in S.C.No.21 of 2016 before the III Additional Sessions Court, Puducherry, were convicted for the offence under Section 302 r/w 34 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment, each.

3. Challenging the above conviction and sentence, the petitioners have filed Crl.A.Nos.81 of 2024 & 363 of 2025 along with the instant miscellaneous petitions seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioners would submit that the evidence of the eyewitnesses viz. PWs.1 to 3 relied on by the prosecution is highly unreliable and there are inconsistency in the statements of the prosecution witnesses, however, the trial Court, believing the evidence of the so-called eyewitnesses, has convicted the petitioners. He would further submit that the petitioners are in custody.



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5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioners.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioners have made out a *prima facie* case for suspending the sentence.

7. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners are in incarceration. Further, the appeals are not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

8. Accordingly, these criminal miscellaneous petitions are allowed and the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:



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- (i) The petitioners shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the III Additional Sessions Court, Puducherry;
- (ii) 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 to ensure their identity; and
- (iii) The petitioners shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the 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.
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released



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on bail by the learned Sessions Judge himself as laid down
by the Hon'ble Supreme Court in *P.K.Shaji vs. State of
Kerala [(2005)AIR SCW 5560]*.

(N.S.K., J.) (M.J.R., J.)
18.11.2025

nsd

To

- 1.The III Additional Sessions Judge, Puducherry.
- 2.The Inspector of Police,
Mudaliyarpur Police Station, Puducherry.
- 3.The Superintendent, Central Prison, Kalapet.
- 4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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