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*Crl.M.P.No.11230 of 2025
in Crl.A.No.637 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

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

Crl.M.P.No.11230 of 2025

in

Crl.A.No.637 of 2025

1. R.Sugumaran

2. Thavamani

.... Petitioners

Vs

State rep by
The Inspector of Police,
Kothagiri Police Station,
Kothagiri,
Nilgiris District.
Crime No. 106/2011

.... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed upon the petitioners/appellant-1 & 2 in S.C.No.35 of 2018 made by the learned Sessions Judge Magalir Neethimandram (Fast Track Mahila Curt), Uthagamandalam District, dated 28.04.2025 and enlarge the petitioners/Appellants-1 & 2 on bail till pending disposal of the Criminal Appeal on the file of this Court.

For Petitioners : Mr.Vimal Bobby Crimson

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam District, in S.C.No.35 of 2018 dated 28.04.2025, and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused in S.C.No.35 of 2018 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam District. They were found guilty of the offences under Sections 498(A), 306 of IPC and they have been convicted and sentenced as under:

Rank of the accused	Conviction	Sentence
A1	498A of IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of three months.
	306 of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months.



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Rank of the accused	Conviction	Sentence
A2	498A of IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of three months.
	306 of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of three months.

Aggrieved by the same, the petitioners have filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this



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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. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) 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.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned Trial Judge is



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alone suspended and bail are granted on the following conditions:

(a) The petitioners/accused are ordered to be released on bail, on their executing a separate 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 Court, Kothagiri.

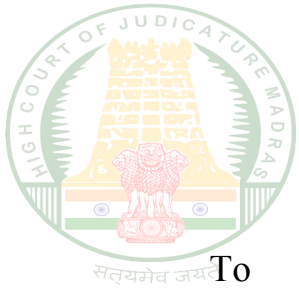
(b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court 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.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

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- 1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Udhagamandalam.
- 2.The Judicial Magistrate,
Kothagiri.
3. The Inspector of Police,
Kothagiri Police Station,
Kothagiri,
Nilgiris District.
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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