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*Crl.M.P.No.13400 of 2025
in Crl.A.No.934 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.M.P.No.13400 of 2025

in

Crl.A.No.834 of 2025

Devaraj

...Petitioner

Vs.

1. The State rep. by its
The Inspector of Police,
Nallur Police Station,
Tiruppur District.

(Crime No.198 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned Chief Judicial Magistrate, Tiruppur/Assistant Sessions Judge, Tiruppur in S.C.No.290 of 2023, dated 11.07.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Selvakumar Subramaniam

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 petitioner, seeking suspension of sentence imposed by the learned Chief Judicial Magistrate, Tiruppur/Assistant Sessions Judge, Tiruppur, in S.C.No.290 of 2023, dated 11.07.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.290 of 2023 on the file of the learned Chief Judicial Magistrate, Tiruppur/Assistant Sessions Judge, Tiruppur. He was found guilty of the offences under Sections 341 & 307 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 341 IPC	to undergo simple imprisonment for a period of one month.
2	Section 307 of IPC	to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against him may be suspended. He would submit that the petitioner is 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.



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6. 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.

7. 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 is 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 Chief Judicial Magistrate, Tiruppur/ Assistant Sessions Judge, Tiruppur.

(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 everyday at 10.30 a.m., for a period of 30 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.

09.07.2025
(2/2)

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

To

1. The Chief Judicial Magistrate, Tiruppur/Assistant Sessions Judge, Tiruppur.

2. The Inspector of Police,
Nallur Police Station,
Tiruppur District.



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G.K.ILANTHIRAIYAN, J.

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3.The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

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