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Crl.MP.No.14241 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

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

Crl.M.P.No.14241 of 2025

in

Crl.RC.No.1154 of 2025

Khader @ Abdul Khader

...Petitioner

Vs.

State represented By:
The Inspector of Police,
Virinjipuram Police Station,
Virinjipuram, Vellore District
(crime No.29 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., praying to suspend the sentence and enlarge the petitioner on bail imposed in CA.No.17 of 2019 on the file of the Principal District and Sessions Judge, Vellore dated 18.07.2022 against in SC.No.62 of 2015 on the file of the Chief Judicial Magistrate, Vellore dated 05.02.2019 pending disposal of the above criminal revision.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)



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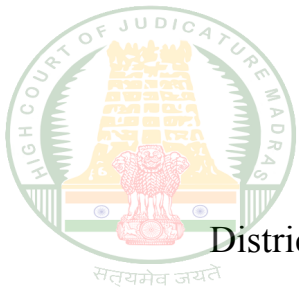
ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, praying to suspend the sentence and enlarge the petitioner on bail imposed in CA.No.17 of 2019 on the file of the Principal District and Sessions Judge, Vellore dated 18.07.2022 against in SC.No.62 of 2015 on the file of the Chief Judicial Magistrate, Vellore dated 05.02.2019 pending disposal of the above criminal revision.

2. The petitioner herein is an accused in SC.No.62 of 2015 on the file of the Chief Judicial Magistrate, Vellore. He was found guilty of the offences under Sections 342 & 294(b) of IPC, 397(2 counts) r/w 34 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 342 of IPC	to undergo rigorous imprisonment for a period of six months
2	Section 294(b) of IPC	to undergo rigorous imprisonment for a period of three months
3	Section 397(2 counts) r/w 34 of IPC	to undergo seven years rigorous imprisonment for each count

Aggrieved by the same, the petitioner preferred appeal before Principal



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District and Sessions Judge, Vellore in CA.No.17 of 2019, wherein the judgment of the trial court in respect of offences under Sections 342 & 397(2 counts) r/w 34 of IPC was confirmed, against which the aforesaid criminal revision has been filed.

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

4. Per contra, the learned Government Advocate(crl.side) 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.



WEB COPY 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 petitioner, also by considering the period of incarceration by the petitioner, further this criminal revision 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 Revision, 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 execution of 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, Vellore

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall report before the Trial Court daily at 10.30 a.m. for a period of 30 days and thereafter shall report before the Trial Court on the first working day of every week at 10.30 a.m., until the disposal of the Criminal Revision and if he is not able to appear before the trial Court on any day, he 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.

22.07.2025
(2/2)

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

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To

- 1.The Principal District and Sessions Judge, Vellore
- 2.The Chief Judicial Magistrate, Vellore
- 3.The Inspector of Police,
Virinjipuram Police Station,
Virinjipuram, Vellore District
- 4.Central Prison,
Vellore
- 5.The Public Prosecutor,
Madras High Court

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