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Crl.M.P No.13248 of 2025
in Crl.A.No.36 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.M.P.No.13248 of 2025
in
Crl.A.No.36 of 2025

Elumalai

... Petitioner

Vs

State by:

Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.
Crime No.123 of 2015

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed by the Learned Sessions Judge, Mahila Court, Cuddalore, made in S.C.No.164 of 2017 by judgement dated 22.10.2024 and to enlarge the petitioner on bail till the dispsal of the above mentioned Ciminal Appeal No.36 of 2025.

For Petitioner : Mr.Ganesh Rajan
For Respondent : Mr.S.Raja kumar
Additional Public Prosecutor



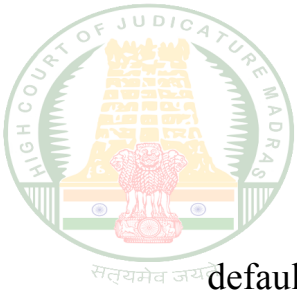
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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the trial court on the file of the Learned Sessions Judge, Mahila Court, Cuddalore in S.C.No.164 of 2017 dated 22.10.2024 for the offence punishable under 376, 323 of I.P.C and Section 4 of Tamil Nadu Prevention of Harassment of Women Act and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in S.C.No.164 of 2017 on the file of the Learned Sessions Judge, Mahila Court, Cuddalore. He was found guilty of the offence under Section 376, 323 of I.P.C and Section 4 of Tamil Nadu Prevention of Harassment of Women Act and has been convicted and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/- and in default of payment of the same, the petitioner shall undergo six months of simple imprisonment under Section 376 of I.P.C. He was also convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- in



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default of payment of the same, the petitioner shall undergo simple imprisonment for a period of three months. The said sentences were directed to run concurrently. Aggrieved by the same, the present Appeal has been filed.

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 the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this Criminal Appeal is



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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. Accordingly, till the disposal of the Criminal Appeal the reliefs of suspension of sentence and bail is granted on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a likesum to the satisfaction of the trial court;
- (ii) The petitioner 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 petitioner shall appear before the Trial Court daily for a period of 30 days thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal 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 355 of BNSS, 2023 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;



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ordered.

6. With the above directions, this Criminal Miscellaneous Petition is

07.07.2025

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

Nhs

To

1. The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.
2. The Learned Sessions Judge, Mahila Court,
Cuddalore.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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G.K.ILANTHIRAIYAN, J.

Nhs

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