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Crl.MP.No.14550 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

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

Crl.M.P.No.14550 of 2025

in

Crl.A.No.1082 of 2025

1.G.Srinivasan

2.N.Madhu

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Thally Police Station,
Krishnagiri District
Krishnagiri 635 001
(Crime No.496 of 2015)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence of imprisonment imposed on the petitioners in SC.No.222 of 2023 on the file of the learned Assistant Sessions Judge, Denkanikottai dated 21.04.2025 and enlarge the petitioners on bail.

For Petitioners : Mr.T.Vijay

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 praying to suspend the sentence of imprisonment imposed on the petitioners in SC.No.222 of 2023 on the file of the learned Assistant Sessions Judge, Denkanikottai dated 21.04.2025 and to enlarge them on bail.

2. The petitioners are A1 and A3 in SC.No.222 of 2023 on the file of the learned Assistant Sessions Judge, Denkanikottai. They were found guilty of the offences under Sections 307, 332 r/w 34 of IPC and they have been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 307 of IPC (each accused)	to undergo simple imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for six months.
2	Section 332 r/w 34 of IPC (each accused)	to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for one month.

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



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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 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.

6. Considering the facts and circumstances of the case coupled



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with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police, further the learned counsel for the petitioners made out prima facie case, 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 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 learned Assistant Sessions Judge, Denkanikottai.

(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



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a.m., until the disposal of the Criminal 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

28.07.2025
(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 learned Assistant Sessions Judge, Denkanikottai
- 2.The Inspector of Police,
Thally Police Station,
Krishnagiri District
Krishnagiri 635 001
- 3.Central Jail, Salem
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

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