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Crl.M.P.No.13300 of 2025
in
Crl.A.No.190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13300 of 2025
in
Crl.A.No.190 of 2025

1.Sathiriyam
2.Vijayalakshmi

... Petitioners

Vs.

State Rep by
Inspector of Police,
Poraiyar Police Station.
Cr.No.188 of 2019

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C./430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to suspend the sentence imposed on the appellants by the District and Sessions Judge, Mayiladuthurai in S.C.No.03 of 2020 dated 02.01.2025, enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

For Petitioners : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking to suspend the sentence imposed on them in S.C.No.3 of 2020, dated 02.01.2025 on the file of the learned District and Sessions Judge, Mayiladuthurai and enlarge the petitioners on bail, pending disposal of the appeal.

2. The petitioners are accused in S.C.No.3 of 2020 on the file of the District and Sessions Judge, Mayiladuthurai. They were found guilty for the offences punishable under Sections and they have been convicted and sentenced as under :

S. No.	Conviction	Sentence
1.	Section 115 r/w 302 of IPC	to undergo fourteen years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one year simple imprisonment each.

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

3. The learned counsel for the petitioners/A1 and A2 would



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submit that there are arguable points available in the Criminal Appeal and the petitioners/A1 and A2 have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/A1 and A2 may be suspended. He would submit that the petitioners are ready to abide by the condition imposed by this Court.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. 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, 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.

6. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge



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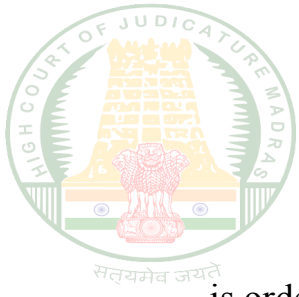
is alone suspended and bail is granted on the following conditions:

(i) The petitioners/A1 and A2 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 District and Sessions Judge, Mayiladuthurai ;

(ii) The petitioners/A1 and A2 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;

(iii) The petitioners shall appear before the Trial Court daily at 10.30 a.m. for a period of one month and thereafter, 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition



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is ordered.
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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The District and Sessions Court, Mayiladuthurai.
- 2.The Superintendent, Central Prison, Trichy.
- 3.The Inspector of Police, Poraiyur Police Station.
- 4.The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

sp

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