



Crl.M.P.No.11062 of 2024
in Crl.A.No.1003 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

Crl.M.P.No.11062 of 2024
in Crl.A.No.1003 of 2024

Suresh

... Petitioner/Sole accused

Vs.

State represented by
The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur City, Tiruppur District
(Crime No.356 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to enlarge the petitioner on bail imposed in S.C.No.11 of 2021 dated 28.08.2023 passed by the learned Principal Sessions Judge, Tiruppur pending disposal of the above Criminal Appeal.

For Petitioner : Mr.C.S.Saravanan
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneen



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ORDER

(Order of the Court was made by *M.S.RAMESH. J.*)

This Criminal Miscellaneous Petition has been filed seeking to enlarge the petitioner on bail imposed in S.C.No.11 of 2021 dated 28.08.2023 passed by the learned Principal Sessions Judge, Tiruppur, pending disposal of the above Criminal Appeal.

2. The petitioner is the sole accused in S.C.No.11 of 2021. The learned Principal Sessions Judge, Tiruppur vide judgment dated 28.08.2023 has convicted and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
Sole accused	Section 302 IPC	Life imprisonment and a fine of Rs.2,000/-;i/d. 3 months of R.I
	Section 201 IPC r/w Section 302 IPC	7 years of R.I and a fine of Rs.2,000/-;i/d. 3 months of R.I

The sentences are ordered to run concurrently.

3. While the judgment of the trial Court is under challenge in the main Appeal, the petitioner seeks for suspension of sentence in the present



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Miscellaneous Petition.

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4. Though the prosecution had led in evidences of P.W.3, P.W.5 to P.W.7 as eyewitnesses to the occurrence, these evidences reveal that after the assault by the accused on 14.07.2019 at 05.00 p.m, he had accosted the deceased to his house and had also taken him to the hospital. He did not abscond but rather was very much available in the vicinity. According to the eyewitnesses, the assault was a result of a sudden quarrel, during which, the accused used a log, that was readily available at the scene and assaulted the deceased on the head twice.

5. From these evidences, there appears to be a possibility that the accused may have attacked the deceased, without an intention to commit murder. However, this is only our *prima facie* view. Since the judgement of the Trial Court may warrant modification of the sentence in the light of our *prima facie* observations and considering that the accused is under incarceration from 16.07.2019 onwards, for about two years, we are inclined to suspend the sentence of the petitioner/sole accused.



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6. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the Judicial Magistrate No.1, Sankari;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every 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



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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.

(M.S.R, J.) (V.L.N, J.)
17.07.2025

Anu

Note: Issue order copy on 18.07.2025

To

- 1.The Judicial Magistrate No.1, Sankari
- 2.The Principal Sessions Judge, Tiruppur
- 3.The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur City, Tiruppur District
- 4.The Superintendent of Prison,
Central Prison, Salem.
- 5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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