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*Crl.M.P.No.13838 of 2025
in Crl.A.No.949 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.M.P.No.13838 of 2025
in
Crl.A.No.949 of 2025

Madesh

.... Petitioner

Vs

1.The State:-Deputy Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The State:- The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.168 of 2018)

3.K.S.Venkatesh

.... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 14(A) of SC/ST (POA) Amendment Ordinance Act 2015 & Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against the petitioner in S.C.No.27 of 2019 dated 17.06.2025 passed by the learned Principal District and sessions Judge, Krishnagiri and enlarge the petitioner on bail pending above the Criminal appeal.



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For Petitioner : Mr.M.P.Saravanan
For R-1 & R-2 : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the Principal District and sessions Judge, Krishnagiri in S.C.No.27 of 2019 dated 17.06.2025 and enlarge the petitioner on bail pending disposal of the above Appeal.

2. The petitioner herein is the accused in S.C.No.27 of 2019 on the file of Principal District and sessions Judge, Krishnagiri. He was found guilty of the offences under Section 153A of I.P.C, 3(1)(r), 3(1)(s) of SC/ST(POA) Amendment Ordinance Act 2015, 294(b) of I.P.C & Section 67 of Information Technology Act, 2000 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 153A of IPC	to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-.
2	Section 3(1)(r) & 3(1)(s) of SC/ST(POA)	to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-



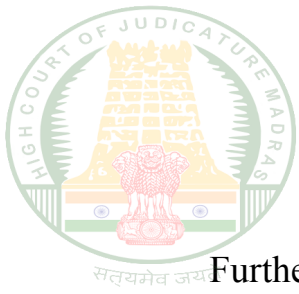
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S.No.	Conviction	Sentence
	Amendment Ordinance Act 2015	
3	Section 294(b) of I.P.C	to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.1,000/-
4.	Section 67 of Information Technology Act, 2000	to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-

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. Per contra, the learned Additional Public Prosecutor appearing for the respondents/State raised serious objection for allowing this petition.



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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 for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police 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 submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, further this 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:



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(a) The petitioner/accused is ordered to be released on bail, on his executing 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 Principal District and sessions Judge, Krishnagiri.

(b) The petitioner/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 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.

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



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

Nhs

To

- 1.The Principal District and sessions Judge,
Krishnagiri.
- 2.The Deputy Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.168 of 2018)
3. The Public Prosecutor,
High Court, Madras.



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Admit. Notice.

2. Mr.S.Raja Kumar, learned Additional Public Prosecutor takes notice for the first and respondent respondents.

3. Issue notice to the third respondent.

4. Registry is directed to call for the records from the lower Court and prepare typed set of papers.

Nhs

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