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Crl.M.P.No.21467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.21467 of 2025

in Crl.A.No.121 of 2024

Sakthivel

... Petitioner

-VS-

1. State by the

The Deputy Superintendent of Police,
Thirunavalur Police Station,
Ulundurpet Sub-Division,
(Crime No.425/2019)

2. Dinesh

... Respondents

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence and grant bail to the petitioner/appellant for the conviction and sentence imposed in S.C.No.38 of 2021 dated 29.12.2023 on the file of the Special Judge, Special Court for Exclusive Trial of cases registered under the SC/ST Act, 1989, Villupuram, pending disposal of the criminal appeal.

For Petitioner : Mr.R.Raghul
For Mr.C.Munusamy

For R1 : Mr.A.Damodaran
Addl. Public Prosecutor
Assisted by Ms.M.Arifa Thasneem
Advocate



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ORDER

This Criminal Miscellaneous Petition has been filed seeking

to suspend the sentence and grant bail to the petitioner/appellant for the conviction and sentence imposed in S.C.No.38 of 2021 dated 29.12.2023 on the file of the Special Judge, Special Court for Exclusive Trial of cases registered under the SC/ST (POA) Act, 1989, Villupuram and enlarge the petitioner on bail, pending disposal of the criminal appeal.\

2. Learned Sessions Judge, Special Court for Exclusive Trial of cases registered under the SC/ST (POA) Act, 1989, Villupuram, in S.C.No.38 of 2021, had convicted and sentenced the petitioner as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A1	Section 294(b) IPC	Simple Imprisonment for 3 months	-
	Section 326 IPC	Rigorous Imprisonment for 10 years	Rs.5,000/- in default to undergo Rigorous Imprisonment for 3 years
	Section 3(1)(r) of SC/ST Act, 1989	Simple Imprisonment for 1 year	Rs.1,000/- in default to undergo Simple Imprisonment for another 3 months
	Section 3(1)(s) of SC/ST Act, 1989	Simple Imprisonment for 1 year	Rs.1,000/- in default to undergo Simple Imprisonment for another 3 months
	Section 3(2)(v) of	Rigorous	Rs.5,000/- in default



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Rank of the Accused	Offence	Imprisonment	Fine
	SC/ST Act, 1989	Imprisonment for life	to undergo Rigorous Imprisonment for 3 years

3. Challenging the above conviction and sentence, the petitioner has filed the present criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.

4. Learned counsel for the appellant / petitioner submitted that the Trial Court has not considered the so-called eyewitnesses, who were examined as P.Ws.1 to 3, as their testimonial are not trustworthy to convict the accused. He further submitted that there is a group clash between two groups of people during the procession of Vinayagar Idol and both sides suffered injuries. P.W.2 deposed that 18 persons assembled unlawfully, A1 attacked him and A2 & A3 caught hold of him, whereas P.W.9 issued the Accident Register (Ex.P6), wherein it has been stated one person has assaulted.

5. The respondent has filed the counter affidavit. The learned Additional Public Prosecutor, submitted that there are materials against the petitioner/appellant, on the basis of which, the Trial Court



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has convicted the petitioner.

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6. We have heard the rival submissions and perused the entire materials available on record.

7. There are contradictions in the evidence of eyewitnesses and medical evidence. Though P.W.2 deposed that 18 persons assaulted him, the Medical Officer examined the injured and noted that the injured was assaulted by one person. Hence, this Court is of the view that the petitioner/appellant has made out a prima facie case for suspending the sentence.

8. Considering the submissions made on either side and taking into account the fact that the Criminal Appeal is not likely to be taken up 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.

9. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand



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only), with two sureties for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases registered under the SC/ST (POA) Act, Villupuram;

(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 on every Monday at 10.30 a.m., until the disposal of the Criminal 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 317 of 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.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(N.S.K.,J.) (M.J.R.,J.)
27.11.2025

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N.SATHISH KUMAR, J.
AND



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To

1. The Sessions Judge, Special Court for Exclusive Trial of cases registered under the SC/ST (POA) Act, 1989, Villupuram
2. The Superintendent
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Thirunavalur Police Station,
Ulundurpet Sub-Division,
4. The Public Prosecutor,
High Court, Madras.



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M.JOTHIRAMAN, J.

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