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*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.M.P.No.14629 of 2025

in

Crl.A.No.1103 of 2025

1. Gopi
S/o. Perumal

2. Jayalakshmi
W/o. Perumal

Both are residing at
Neepathurai, Kottavur Village,
Chengam Taluk,
Tiruvannamalai District.

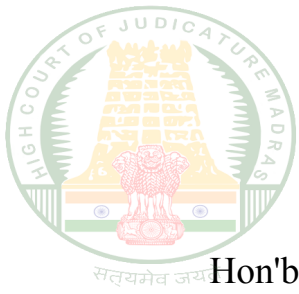
.... Petitioners

Vs

1. The State Rep. by
Inspector of Police,
Melchengam Police Station,
Tiruvannamalai District.
(Cr.No.220/2009)

.... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 14.07.2025 passed by the



*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

WEB COPY

Hon'ble Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvannamalai in S.C.No.100 of 2012 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners : Mr.J.Ganesh

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend the sentence of imprisonment imposed in the judgment dated 14.07.2025 passed by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvannamalai in S.C.No.100 of 2012 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2. The petitioners herein are the accused in S.C.No.100 of 2012 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvannamalai. They were found guilty of the offences under Sections 498(A), 304(B) IPC and Section 4 of Dowry Prohibition Act, 1961 and they have been convicted and sentenced as under:



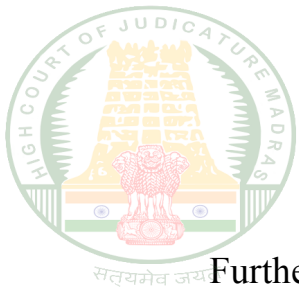
*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

S.No.	Conviction	Sentence
1	Section 498(A) IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- in default to under simple imprisonment for three months.
2	Section 304(B) IPC	To undergo rigorous imprisonment for seven years
3	Section 4 of Dowry Prohibition Act	To undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for three months

Aggrieved by the same, the petitioners have filed a Criminal Appeal along with the present miscellaneous petition.

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 them may be suspended. He would submit that the petitioners are ready to abide the conditions imposed by this Court.

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



*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

WEB COPY

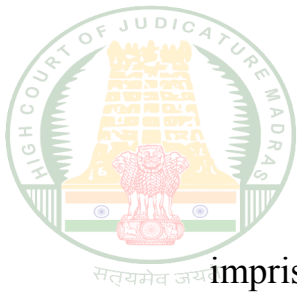
Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt.

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. A perusal of the records reveals that the petitioners have made out a *prima facie* case for grant of suspension of the sentence imposed by the Trial Court.

7. 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 and the learned Additional Public Prosecutor appearing for the respondent police, 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



*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

WEB COPY

imprisonment alone can be suspended on certain conditions.

8. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail is granted on the following conditions:

(a) The petitioners are ordered to be released on bail, on their 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 Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Tiruvannamalai.

(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 first petitioner alone shall appear before the Trial Court daily at 10.30 a.m for a period thirty days and thereafter on the first working day of every English Calendar month 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 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.



*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

WEB COPY

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

29.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

WEB COPY

To

- 1.The Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court,
Tiruvannamalai.
- 2.The Superintendent,
Central Prison, Vellore.
3. The Superintendent,
Special Prison for Women at Vellore.
4. The Inspector of Police,
Melchengam Police Station,
Tiruvannamalai District.
- 5.The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



*Crl.M.P.No.14629 of 2025
in Crl.A.No.1103 of 2025*

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Crl.M.P.No.14629 of 2025
in
Crl.A.No.1103 of 2025

29.07.2025