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*Crl.M.P.No.15272 of 2025 in
Crl.A.No.1196 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

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

Crl.M.P.No.15272 of 2025
in
Crl.A.No. 1196 of 2025

1.Sarathkumar
2.Elayaraja

.... Petitioners

Vs

The State Represented by
The Inspector of Police
G-5 Secretariat Colony Police Station
Chennai-10.
(Crime No.908 of 2017)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 420(3) of BNSS read with Section 481 of BNSS, to suspend the sentence imposed on the petitioners in S.C No.223 of 2018 on the file of the learned V Additional Sessions Judge, Chennai by its judgment dated 16.07.2025 whereby the petitioners were convicted under Section 304(ii) read with Section 34 of IPC and each sentenced to undergo Rigorous Imprisonment for a period of seven years with a fine of Rs.1000/- each, in default to undergo simple imprisonment for six months and consequently enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.



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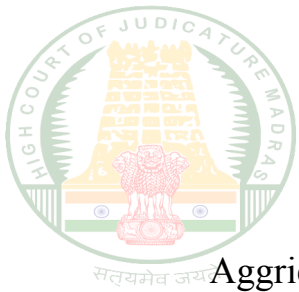
For Petitioners : Mr.N.Vijayaraj
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed by the learned V Additional Sessions Judge, Chennai, by its judgment dated 16.07.2025 passed in S.C No.223 of 2018 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2.The petitioners herein are the accused no.2 & 3 in S.C.No.223 of 2018 on the file of the learned V Additional Sessions Judge, Chennai. They were found guilty of the offence under Section 304(ii) r/w 34 of PC and they have been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 304(ii) r/w 34 of IPC	each sentenced to undergo Rigorous Imprisonment for a period of seven years with a fine of Rs.1000/- each, in default to undergo simple imprisonment for six months.



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Aggrieved by the same, the petitioners have filed this 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 the petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. 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.



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6. Considering the facts and circumstances of the case, and considering the period of incarceration undergone by the petitioners and also taking note of the fact that the petitioners have made out a prima facie case, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

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

(a) The petitioners/accused is 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 V Additional Sessions Judge, Chennai.

(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 petitioners shall appear before the Trial Court daily at 10.30 a.m for a period of 15 days and thereafter, on



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the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are 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.

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

11.08.2025
(2/2)

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

1. The V Additional Sessions Judge, Chennai.
2. The Central Prison, Puzhal-I, Chennai.
3. The Inspector of Police
G-5 Secretariat Colony Police Station
Chennai-10.
4. The Public Prosecutor
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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