



Crl.M.P.No.13334 of 2024
in Crl.A.No.1062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

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in Crl.A.No.1062 of 2022

Thonthi Ganesh @ Ganesh
S/o. Pillaiyar,
No.417 A-3, Aaruthathiyar Street, Muthusamypuram,
Mugavar, Rajapalayam (Taluk), Viruthunagar District.

Petitioner(s)/Accused

Vs

State represented by
The Inspector of Police,
H-4, Korrukupet Police Station,
Chennai - 600 021
(Crime No.746/2016)

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C., to
suspend the sentence imposed on the petitioner by judgment dated
11.04.2022 passed in S.C.No.68 of 2017 on the file of the Sessions Court,



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Mahalir Neethimandram, Allikulam, Chennai and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Mr.Ilayaraja Kandasamy

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 11.04.2022 passed in S.C.No.68 of 2017 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner, who was the accused in S.C.No.68 of 2017 before the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment.



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3. Challenging the above conviction and sentence, the petitioner has filed Crl.A.No.1062 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner would submit that the petitioner is in incarceration for more than eight years. He would further submit that except the circumstantial evidence, no direct evidence is available to prove the prosecution case and that apart, the statements given by the prosecution witnesses are highly inconsistent to each other and further, there are no incriminating materials against the accused. Stating so, he prayed for the grant of suspension of sentence and bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. On considering the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence.



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7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration for more than eight years. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, this criminal miscellaneous petition is allowed and the relief of suspension of sentence and bail is granted to the petitioner 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 Sessions Court, Mahalir Neethimandram, Allikulam, Chennai;
- (ii) 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 to ensure their identity;



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- (iii) The petitioner shall appear before the respondent/police on every Monday 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 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; and
- (iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(N.S.K., J.) (M.J.R., J.)
18.11.2025

nsd



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To

1.The Sessions Judge, Mahalir Neethimandram,
Allikulam, Chennai

2.The Inspector of Police,
H-4, Korrukupet Police Station,
Chennai - 600 021

3.The Superintendent, Central Prison, Puzhal.

4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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