



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-11-2025**

CORAM

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

**CRL MP No. 15308 of 2025**

**in**

**CrI.A.No.1450 of 2023**

Kannappan

Petitioner(s)

Vs

State rep by The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur, District.  
Crime No. 106 of 2018

Respondent(s)

**PRAYER:** Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed against the petitioner on 21.11.2023 in S.C.No.42 of 2019, on the file of the learned Principal Sessions Court, Tiruppur and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner(s): Mr.P.Pugalenth

For Respondent(s): Mr.A.Damodaran



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Addl. Public Prosecutor  
Assisted by M.Arifa  
Thasneem, Advocate

**ORDER**

*(Order of the Court was made by **N.SATHISH KUMAR.J.,**)*

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 21.11.2023, in S.C.No.42 of 2019, on the file of the learned Principal Sessions Court, Tiruppur, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned Principal Sessions Court, Tiruppur, in S.C.No.42 of 2019, had convicted and sentenced the petitioner as follows:

| Rank of the Accused | Offence | Imprisonment                                 | Fine                                                                                                             |
|---------------------|---------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Sole Accused        | 302 IPC | Imprisonment for life                        | Rs.2,000/- in default to undergo Rigorous Imprisonment for three months.                                         |
| Sole Accused        | 307 IPC | Seven years Rigorous Imprisonment (2 counts) | Rs.2,000/- for each count, in default to undergo Rigorous Imprisonment for three months, totally for two counts. |

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 there is a case in counter, which is not properly investigated and the alleged occurrence took place in the night hours and the accused also suffered injuries, which is not properly explained. He further submitted that there are arguable points available in the Criminal Appeal and that the appellant/petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He also submitted that the appellant / petitioner is ready to abide by any condition imposed by this Court.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent filed the counter affidavit and objected granting of suspension of sentence to the petitioner.

6. We have heard the rival submissions and perused the entire



materials available on record.

7. Accordingly, considering the submissions made on either side, we find that a *prima facie* case is made out 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.

8. 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 only), with two sureties for a like sum to the satisfaction of the learned Principal Sessions Court, Tiruppur;

(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



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on all working days 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.)**  
**19.11.2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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1. The Principal Sessions Court,  
Tiruppur.

2. The Inspector of Police  
Uthukuli Police Station,  
Tiruppur, District.  
Crime No. 106 of 2018.

3. The Superintendent,  
Central Prison, Coimbatore.

4. The Public Prosecutor,  
High Court, Madras.



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**N.SATHISH KUMAR, J.  
AND  
M.JOTHIRAMAN, J.**

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