



Crl.M.P.No.15109 of 2024
in Crl.A.No.1323 of 2024

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.1323 of 2024

1. THIRUNAVUKARASU

S/o.Nagappan, No.55, Bajanai Koil Street,
Uzhakkolpattu Village, Kooram Post,
Kancheepuram District.

2. SANTHANAM

S/o.Rajendran, No.26, Bajanai Koil Street,
Uzhakkolpattu Village, Kooram Post,
Kancheepuram District.

3. SHARMAMOORTHY

S/o.Parthiban, No.53/A, Velalar Street, Vathiyur
Village, Kooram Post, Kancheepuram District.

4. SIVA

S/o.Devaraj, No.118, Mettu Street, Vathiyur Village,
Kooram Post, Kancheepuram District.

5. AJITH

S/o.Gajendran, No.49/A, Bajanai Koil Street,
Uzhakkolpattu Village, Kooram Post,
Kancheepuram District.



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6. RAJASEKAR

S/o.Thanigaimalai, Mettu Street, Vathiyur Village,
Kooram Post, Kancheepuram District.

7. PARASURAMAN

S/o.Munusamy, No.123, Mettu Street, Vathiyur
Village, Kooram Post, Kancheepuram District.

Petitioner(s)Accused 1 to 7

Vs

The Deputy Superintendent of Police
Arakkonam Sub Division,
Nemili Police Station, Ranipet District.
Crime No.356 of 2020.

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 430 and 483 of BNSS, 2023, to suspend the sentence imposed on the petitioners by judgment dated 30.05.2024 passed in Spl.S.C.No.4 of 2021 on the file of the Sessions Court, Special Court for Exclusive Trial of Cases under SC and ST (POA) Act, Vellore, Vellore District and enlarge the petitioners on bail pending disposal of the above appeal.

For PP 1, 4 to 7 : Mr.Mr.Ananthanarayanan,
Senior Counsel for Mr.K.Balu

For PP 2 and 3 : Mr.Silambanan, Senior Counsel
for M/s.Kaavya Silambanan Associates
Ms.N.K.Susrutha



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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 petitioners by judgment dated 30.05.2024 passed in Spl.S.C.No.4 of 2021 on the file of the Sessions Court, Special Court for Exclusive Trial of Cases under SC and ST (POA) Act, Vellore, Vellore District and enlarge them on bail pending disposal of the above appeal.

2. The petitioners, who were the accused in Spl.S.C.No.4 of 2021 before the Session Court, Special Court for Exclusive Trial of Cases under SC and ST (POA) Act, Vellore, Vellore District, were convicted for the offence under Section 302 r/w 149 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment, each.



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3. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.1323 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioners would submit that the trial Court has believed only the evidence of PW2, so-called eyewitness, for convicting the petitioners. He would further submit that according to PW2 itself, he has not even noticed the occurrence and he was in an inebriated condition. It is his further submission that the petitioners are in custody.

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 petitioners.

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



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7. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been in incarceration. 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 petitioners are 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 petitioners on the following conditions:

- (i) The petitioners 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, Special Court for Exclusive Trial of Cases under SC and ST (POA) Act, Vellore, Vellore District;
- (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; and



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(iii) The petitioners shall appear before the respondent/police on every Monday at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

(iv) On breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 Special Sessions Judge,
Special Court for Exclusive Trial of Cases under
SC and ST (POA) Act, Vellore, Vellore District.

2.The Deputy Superintendent of Police
Arakkonam Sub Division,
Nemili Police Station, Ranipet District.

3.The Superintendent, Central Prison, Vellore.

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



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

nsd

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