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Crl.M.P.No.16997 of 2025 in
Crl.A.No.72 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.16997 of 2025
in Crl.A.No.72 of 2025

1.Thiyagu @ Thiyagurajan
2.Dinesh @ Arun
3.Logu @ Loganathan

....Petitioners

Vs.

State, represented by
The Inspector of Police
Erode Town Police Station
Erode District.
(Cr.No.734 of 2017)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430(1) & 389(1) of Cr.P.C., praying to suspend the sentence imposed against the petitioner on 17.12.2024 in S.C.No.109 of 2018, on the file of the learned I Additional Sessions Court, Erode and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioners : Mr.P.Pugalenth
For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



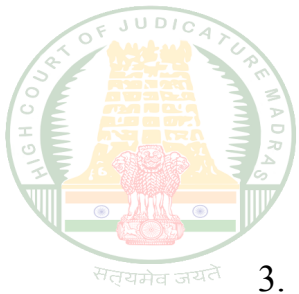
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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed in S.C.No.109 of 2018 dated 17.12.2024, passed by the learned I Additional Sessions Court, Erode and pending disposal of the Criminal Appeal in Crl.A.No.72 of 2025.

2. The petitioners herein are the accused Nos.2 to 4 in S.C.No.109 of 2018 on the file of the learned I Additional Sessions Court, Erode. The 1st accused died during trial. The Accused Nos.2 to 4 found guilty of the offence under Sections 341, 294(b) and 304(ii) r/w 34 of IPC of IPC, Section 6 of the Protection of Children's from Sexual Offences Act, 2012 and A2 to A4 have been convicted and sentenced to three months Simple Imprisonment for the offence under Section 294(b) of IPC, sentenced to undergo one month Simple Imprisonment for the offence under Section 341 of IPC and sentenced to undergo ten years Rigorous Imprisonment for the offence under Section 304(ii) r/w 34 of IPC. The aforementioned Imprisonments imposed upon the accused A2 to A4 directed to be run concurrently. Aggrieved by the same, the present Appeal has been filed.



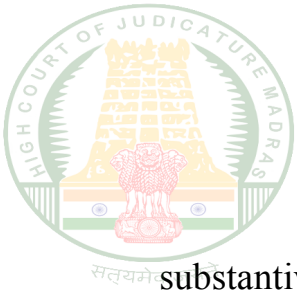
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3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. In fact, on the date of occurrence, there was a wordy quarrel, which ended in scuffle, in which the defacto complainant sustained injury and died. The prosecution has not proved the offence beyond the reasonable doubt and the petitioners have got no previous case. He further submitted that there are arguable points available in the Criminal Appeal Case and the petitioners/accused No.2 to 4 have got a fair chance of succeeding in the Criminal Appeal Case. He would further submit that the fine amount has already been paid and hence, the substantive sentence imposed against the petitioners/accused No.2 to 4 may be suspended and the petitioners are ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing on either side and also perused the materials placed on record.

5. Considering the submissions of the learned counsel for the petitioners, coupled with the quantum of punishment imposed upon the petitioners and taking into consideration the fact that this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the



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substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- each with two sureties, each for a likesum to the satisfaction of the trial court;

(ii) The petitioners 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 petitioners shall appear before the Trial Court on the first working day of every English Calendar month 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 355 of BNSS, 2023 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;

6. With the above directions, this Criminal Miscellaneous Petition is



ordered.
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18.09.2025
(¹/₂)

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

To

1. The I Additional Sessions Court, Erode.
2. The Inspector of Police
Erode Town Police Station
Erode District.
(Cr.No.734 of 2017)
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

dna

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