



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17727 of 2025

AND

CRL A NO. 43 OF 2024

JAGADEESH

S/O. Ganesh, Kuzhimanickam village,
Kunnampodi via, Ariyalur District.

Petitioner(s)

Vs

State Rep by Inspector of Police
Hasthampatti Police Station,
Crime no. 314 of 2012

Respondent(s)

CRL MP No. 17727 of 2025

PRAYER

To Suspend the Sentence of imprisonment passed by the Sessions Judge, Mahalir Neethi Mandram (Mahila Court) Salem dated 15.09.2021 in S.C.No.131 of 2018 and the release of the Petitioner 1St Appellant, pending disposal of the appeal.



CRL A No. 43 of 2024

PRAYER

To call for the records in connection with the case in SC.No. 131/2018 from the file of the Sessions Judge, Mahalir Neethi Mandram (Mahila Court), Salem.

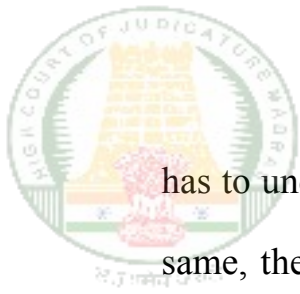
For Petitioner(s): Mr. S.Kingston Jerold

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, (Mahila Court), Salem in S.C.No.131 of 2018 dated 15.09.2021 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.131 of 2018 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Mahila Court), Salem. He was found guilty of the offences under Section 341, 392 r/w 397 and 506(ii) of I.P.C. and he has been convicted and sentenced to undergo Rigorous Imprisonment for one month for the offence under Sec.341 of I.P.C., sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1000/- for the offence under Sec.392 r/w 397 of I.P.C., In default of payment of fine, he



has to undergo additional rigorous imprisonment for one year. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had committed robbery by showing the knife to the victim and forcibly removed 6 sovereigns of gold thalikodi from her neck, but in fact he has not committed any offence as alleged against him. He would submit that he is in custody from the date of judgment i.e. on 15.09.2021 for more than four years and two months. He would also 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 petitioner/accused may be suspended. He would submit that the petitioner is 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 and contended that the property was recovered. He would also submit that 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.

6. On seeing the facts, it reveals that he is in custody from the date of judgment i.e. on 15.09.2021 for more than four years and two months and he is ready to abide any condition imposed by this court and property was recovered. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken 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.

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 petitioner/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, **in which one surety must be a blood surety**, for a like sum to



the satisfaction of the **learned Sessions Judge, Mahalir Neethimandram, (Mahila Court), Salem.**

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(b) The petitioner/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 petitioner shall appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. For the period of six months and he shall also 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 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 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.**

(d) **If any deviation in complying the conditions, the suspension of sentence ordered by this court shall stand cancelled.**

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

21-11-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Judge, Mahalir Neethimandram, (Mahila Court), Salem
2. The Inspector of Police, Hasthampatti Police Station.
3. The Superintendent of Prison, Central Prison, Salem.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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