



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21491 of 2025

IN

CRL A NO. 1748 OF 2025

Kumar
S/o.Mani,
No.106, Pillaiyar Koil Street,
Arumbakkam, Chennai-600 106, Now
at Kumar, S/o.Mani, Convicted
Prisoner, Central Prison, Puzhal.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by, The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai-600 106.
Cr.No.656/2014.

Respondent(s)

PRAYER

To suspend the sentence imposed on the petitioner in SC No.108/2016 by The III-Additional Sessions Judge, Chennai, by judgment dated 18.08.2025, pending disposal of the Criminal Appeal.



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For Petitioner(s): Mr. B.Vasudevan

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 III Addl. Sessions Judge, Chennai, in S.C.No.108 of 2016 dated 18.08.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.108 of 2016 on the file of the learned III Addl. Sessions Judge, Chennai. He was found guilty of the offences under Section 341, 294(b) and 307 of IPC/BNS and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 341 of I.P.C.	to undergo simple imprisonment for a period of one month and to pay fine of Rs.100/-, in default to undergo simple imprisonment for one week.
2	Section 294 (b) of IPC	to undergo simple imprisonment for a period of three months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two weeks.
3	Sec. 307 of I.P.C.	To undergo simple rigorous imprisonment for a period of five years and to pay fine of Rs.5000/-



S.No.	Conviction	Sentence
		in default, to undergo simple imprisonment for 6 months

Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed 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 along with other accused restrained the defacto complainant, scolded in filthy language, attacked with aruval and also attempted to commit murder of defacto complainant. He would submit that he is in judicial custody from 18.08.2025 for more than three months. He would further 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. Further, he would contend that the 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. Considering the fact that he is in judicial custody from the date of judgment dated 18.08.2025 for more than three months, he is ready to abide any condition imposed by this court and also 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 **shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of S.C.No.108 of 2016 on the file of learned III Addl. Sessions Judge, Chennai, within a period of two weeks from the date of receipt of copy of this order. Failing which, the order passed by this Court shall stand automatically cancelled. On such**



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deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.

(b) 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 **V Metropolitan Magistrate, Egmore, Chennai.**

(c) 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.

(d) **The petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of four 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.



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ordered.

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. III Addl. Sessions Judge, Chennai.

2. V Metropolitan Magistrate, Egmore, Chennai.

3. The Inspector of Police, K-8 Arumbakkam Police Station, Chennai.

4. The Superintendent of Prison, Central Prison, Puzhal.

5. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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