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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.18047 of 2025

in Crl.A.No.547 of 2020

Manoharan Mohana

... Petitioner/A2

-VS-

The State Rep.

The Inspector of Police

B15 Rathinapuri Police Station

(In Cr.No.2652/2011) &

Podanur Police Station

(In Cr.No.1303/2013)

... Respondent/Complainant

Prayer: Petition filed under Section 389 (1) of Cr.P.C. to enlarge the petitioner on bail by suspending the sentence imposed on her in S.C.No.312 of 2015 on the file of the learned V Additional District Judge, Coimbatore dated 30.11.2020.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.G.R.Deepak

For Respondent : Mr.A.Damodaran
Addl. Public Prosecutor
assisted by
M/s.M.Arifa Thasneem



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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment in S.C.No.312 of 2015 on the file of the learned V Additional District Judge, Coimbatore dated 30.11.2020, pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. Learned V Additional District Judge, Coimbatore, in S.C.No.312 of 2015, had convicted and sentenced the petitioner as follows:

<i>Rank of the Accused</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>
A2	120-B of IPC	Imprisonment for life	Rs.25000/- in default to undergo further simple imprisonment for two months
A2	302 read with 109 of IPC	Imprisonment for life	Rs.25000/- in default to undergo further simple imprisonment for two months
A2	420 read with 109	seven years	Rs.5000/- in



	of IPC	rigorous imprisonment	default to undergo further simple imprisonment for one month
These sentences were ordered to run concurrently			

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 senior counsel would point out that as against A2, only PW6 and PW7 evidence are only relied upon by the prosecution. Their evidences with regard to the alleged conspiracy is highly improbable. Admittedly, the deceased was referred to A1 on 07.12.2011 and she met him on 10.12.2011, therefore, the very existence of the deceased came to the house of A1 only on 10.12.2011 and A1 and A2 conspired in the year 2011 itself is highly improbable. Except the evidence of the alleged conspiracy, no other evidences are against the A2 and further, there is no evidence to show that A2 was present during the alleged dead body was brought to the rental premises. He further submitted that there are arguable points available in the Criminal Appeal



and that the petitioner/A2 has a fair chance of succeeding in the same.

Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant / petitioner is ready to abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor, submitted that there is materials against the petitioner/appellant.

6. We have heard the rival submissions and perused the entire materials available on record. The only charge against A2 is conspiracy and there no other evidences are against the A2. Hence, this Court is of the view that the petitioner/appellant has made out a *prima facie* case for suspending the sentence.

7. Accordingly, considering the submissions made on either side 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



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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 Judicial Magistrate-II, Coimbatore;

(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 on every working day at 10.30 a.m., until further orders 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.



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9. Post the main appeal on 21.01.2026.

(N.S.K.,J.) (M.J.R.,J.)
27.11.2025

dhk

To

1. The V Additional District Judge, Coimbatore
2. The Judicial Magistrate-II, Coimbatore
3. The Superintendent
Central Prison, Puzhal, Chennai
4. The Inspector of Police
B15 Rathinapuri Police Station
& Podanur Police Station
5. The Public Prosecutor,
High Court, Madras.



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AND

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