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CRL MP No. 620 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

CRL MP No. 620 of 2025

in

Crl.A.No.64 of 2025

1. J.Nagaraj

S/o.Jayaraman, Mettupalayam Village,
Uthukottai Taluk, Thiruvallur District.

Petitioner(s)

Vs

1. Inspector Of Police

Periyapalayam Police Station,

Thiruvallur District. Crime No.82/2015

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C.,to suspend the sentence imposed by the I Additional District and Session Judge - I at Thiruvallur in S.C.No.154/2018 pending disposal of the above appeal and release the petitioner/appellant on bail and thus render justice.



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For Petitioner(s): M/s.V.P.Dilli Babu

For Respondent(s): Mr.A.Damodaran, APP
Assisted by Mr.M.Karthikeyan

ORDER

(Order of the Court was made by M.S.Ramesh J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned I Addl. District and Sessions Judge-I at Thiruvallur on 06.07.2022 in S.C.No.154 of 2018 and release him on bail pending disposal of the appeal.

2. The I Addl. District and Sessions Judge-I at Thiruvallur in S.C.No.154 of 2018 by his judgment dated 06.07.2022, convicted the petitioner and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence imposed</i>
Accused	U/s.302 of IPC	To undergo LIFE IMPRISONMENT and to pay a fine of Rs.2,000/-, in default, to undergo SI for six months.
	U/s.380 of IPC	To undergo RI for 7 years and to pay a fine of Rs.2000/-, in default to undergo six months SI

Both the sentences are ordered to run concurrently. Period of detention already undergone is ordered to be set off u/s.428 of Cr.P.C. Fine amount was paid.



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3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal along with the present Criminal Miscellaneous Petition seeking suspension of sentence and enlarge him on bail pending disposal of the criminal appeal.

4. Heard Mr.V.P.Dilli Babu, learned counsel appearing for the petitioner and Mr. A. Damodaran, learned Addl. Public Prosecutor assisted by Mr.M.Karthikeyan appearing for the respondent/Police.

5. It is the case of the prosecution that on 02.03.2015 at about 1.30 a.m, the accused trespassed into the house of deceased by jumping the compound wall and knocked at her door. When the deceased opened the door, the accused attacked her with a knife and strangled her, thereby committing the offence of murder, apart from stealing her ear studs.

6. This is a case which rests on circumstantial evidence. The key circumstances projected by the prosecution are the oral testimonies of PW9 and PW10, who are the witnesses to the confession statement given by the accused, based on which, material objects MO.1 to MO.10 were recovered. On this recovery of fact, the medical evidence was let in to establish the blood stains



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found on the clothes of the accused which matched with the blood recovered from the clothes of the deceased. However, PW9 and PW10, during cross examination, did not support the prosecution's case and were treated as hostile witnesses. Apart from this, we do not find any other circumstance or evidence let in by the prosecution to corroborate the serological and forensic reports. Thus with only one circumstance in hand, the prosecution has attempted to substantiate their case before the trial court.

7. In the aforesaid circumstances, the petitioner may have fair chance of success in the appeal, since no other vital links have been put forth to conclusively complete the chain of circumstances. Since, the accused has been in confinement for more than three years, and the appeal may not be taken up for final disposal in the near future, we are inclined to suspend the sentence.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended pending disposal of the appeal on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each, each for a like sum to the satisfaction of the learned I



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Additional District and Session Judge - I at Thiruvallur

(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 the first working day of every 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 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.

[M.S.R, J.]

[V.L.N.,J.]

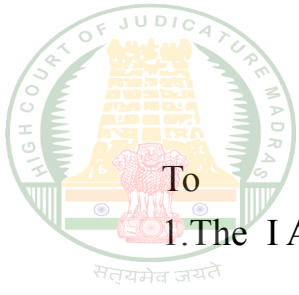
21.08.2025

Index: Yes/No

Internet: Yes/No

msr

Note: Issue Order Copy on 26.08.2025



To

1. The I Additional District and Session Judge - I at Thiruvallur

2. The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur.

3. The Superintendent of Police,
Central Prison, Puzhal

4. The Public Prosecutor,
High Court,
Madras.

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AND

V.LAKSHMINARAYANAN J.

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