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CRL MP No. 1180 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. 1180 of 2025

in

Crl.A.No.114 of 2025

1. VELU

S/o.Gunasekaran, No.15, 4th Floor,
Apartment, F Block, Backside Hut,
Shenoy Nagar, Chennai - 30. Now
Lodged At Central Prison, Puzhal As Ct
No.9174.

Petitioner(s)

Vs

1. The State, Rep. By The Inspector Of
Police

K-6, T.P.Chathiram Police Station,
Chennai - 600 010. Crime
No.255/2018.

Respondent(s)

PRAYER

To suspend the order of sentence inflicted on the Appellant/accused in SC
No.247/2019 on the file of the Learned Sessions Judge, Magalir Neethi



Mandram, Chennai by Judgment dated 06.08.2022 in SC NO.247/2019 till the disposal of the Criminal Appeal and enlarge the appellant on bail pending disposal of this Criminal Appeal.

For Petitioner : Mr.M.Muthukannan
For Respondent(s): Mr.A.Damodaran, APP
assisted by Mr.M.Karthikeyan

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Magalir Neethi Mandram, Chennai on 06.08.2022 in S.C.No.247 of 2019 and release him on bail pending disposal of the appeal.

2. The Sessions Judge, Magalir Neethi Mandram, Chennai in S.C.No.247 of 2019 by his judgment dated 06.08.2022, 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.5,000/-, in default, to undergo SI for six months.
		Period of detention already undergone is ordered to be set off u/s.428 of Cr.P.C.
		Fine amount not paid



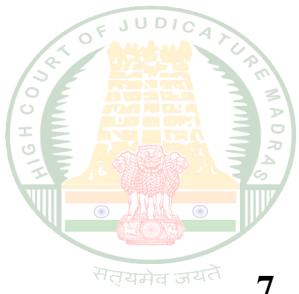
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3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal along with the present Criminal Miscellaneous Petition seeking suspension of sentence and enlarge him on bail pending disposal of the criminal appeal.

4. Heard Mr.M. Muthukannan, 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 18.05.2018 at about 4.45 p.m., A2,/petitioner, who is the husband of A1, had suspected that the children born to A1 was through illicit relation ship, had picked up wordy quarrel with A1. In the course of this altercation, A1 and A2 pushed the child aged 1 ½ years down and trampled on its chest, thereby causing multiple injuries resulting in death.

6. The petitioner is the husband of one Priyanka who was arrayed as A1.

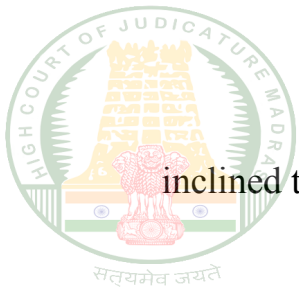


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7. This Court had earlier considered the miscellaneous petition of A1 seeking for suspension of her sentence in Crl.M.P.No.294 of 2025 in Crl.A.No.49 of 2025 and allowed the same on 06.03.2025. The relevant portion of the order dated 06.03.2025 is extracted hereunder:

'5. We find some force in the contention of the learned counsel appearing for the appellant/Accused No.1 that the crime may not have been committed by the appellant with inention, but, out of the wordy quarrel between the appellant and her husband, who is arrayed as Accused No.2, she attacked the deceased child and the prosecution alleged that he had also joined with the appellant during the attack. It can be deliberated at later stage. We find from the records that accused No.1 was rearrested on 13.11.2020 and has been in custody for more than four yers. In view of the prima facie case made out by the petitioner herein, this Court is inclined to suspend the sentence imposed on the petitioner.'

8.Considering the fact that the over tacts attributed to A2 is similar to that of A1 and her sentence has already been suspended by this Court, we are



inclined to consider the petitioner's case also.

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9. We have also taken into account that the accused is under incarceration for more than three years, and since the appeal may not be taken up for final disposal in the near future, we are inclined to suspend the sentence imposed on the petitioner pending disposal of the appeal.

10. 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.10,000/- (Rupees ten thousand only), with two sureties each, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram, Chennai.

(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;



WEB COPY

CRL MP No. 1180 of 2025



(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.]

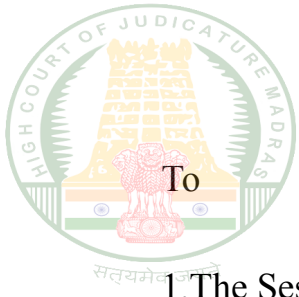
21.08.2025

Index: Yes/No

Internet: Yes

msr

Note: Issue Order Copy on 26.08.2025



To

1. The Sessions Judge, Magalir
Neethimandram, Allikulam,
Chennai-3.

2. The State, Rep. By The Inspector Of
Police,
K-6, T.P.Chathiram Police Station,
Chennai - 600 010. Crime
No.255/2018.

3. The Superintendent,
Central Prison, Puzhal, Chennai

4. The Public Prosecutor,
Madras High Court, Chennai.



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