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CRL MP No. 21835 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 21835 of 2025

IN

CRL RC NO. 2433 OF 2025

MADHAN

S/o.Gurusamy, No. 152/13, Bujjammal
Street, New Washermenpet, Tondiarpet,
Chennai - 600 081.

Petitioner(s)

Vs

State Rep. by The Inspector of Police
V-5 Thirumangalam Police Station,
Chennai. Crime No. 07/TM-2/2021.

Respondent(s)

PRAYER

To suspend the sentence imposed in judgment made in C.A.No.366/2022 by its judgment dated 13.13.2025 passed by the learned XV Addl. Sessions Judge, Chennai confirming the judgment made in CC No.4539/2021 dated 21.11.2022, on the file of the Learned VI Metropolitan Magistrate, Egmore, Chennai and sentence and enlarge him on bail.

For Petitioner(s): Mr. R.Ravichandran

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned XV Addl. Sessions Judge, Chennai in Crl.A.No.366 of 2022, dated 13.03.2025, confirming the Judgment dated 21.11.2022 passed in C.C.No.4539 of 2021 by the learned VI Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

2. The petitioner herein is the accused in C.C No. 4539 of 2021 on the file of the learned VI Metropolitan Magistrate, Egmore, Chennai. He was found guilty of the offences under Section 279, 304A, 337 and 338 of IPC/BNS and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 304A of I.P.C.	to undergo rigorous imprisonment for a period of one year
2	Section 337 of IPC	to undergo rigorous imprisonment for a period of 3 months
3	Section 338 of IPC	To undergo rigorous imprisonment for a period of 6 months

Aggrieved by the same, the petitioner had filed this Criminal Revision Case and consequently, he filed the present miscellaneous petition.



3. The learned counsel for the petitioner/accused would submit that already he was in judicial custody for another offence punishable under Sec.296(b), 115(2), 311 and 351(3) of B.N.S. and as on date, he is in judicial custody. He would submit that he has been falsely implicated in this case and there are arguable points available in the Criminal Revision case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case 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 submissions of learned counsel for petitioner stating that he has been falsely implicated in this case, he is in judicial custody for



another offence punishable under Sec.296(b), 115(2), 311 and 351(3) of B.N.S. and as on date, he is in judicial custody and he is ready to abide any condition imposed by this court 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 revision case 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 Revision Case, 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, **in which one surety must be a blood surety**, each for a like sum to the satisfaction of the **learned VI Metropolitan Magistrate, Egmore, Chennai.**

(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.

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(c) **The petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three 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.

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

19-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XV Addl. Sessions Judge, Chennai.
2. VI Metropolitan Magistrate, Egmore, Chennai.
3. The Inspector of Police, V-5 Thirumangalam Police Station, Chennai.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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(2/3)**