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CRL MP No. 20004 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20004 of 2025

AND

CRL A NO. 483 OF 2025

1. Balamurali

S/o.Ayyanar, No.35/12, Piriveri Road,
Shenoy Nagar, Chennai - 600 030.

2. Abbas

S/o kaja Moideen, No.32,
Devakiammal Street, Kumaran Nagar,
kolathur,' Chennai-600 099

Petitioner(s)

Vs

State rep by

The Inspector of Police, K-3,
Aminjikarai Police Station, Chennai.
Crime No.88 of 2021

Respondent(s)

CRL MP No. 20004 of 2025

PRAYER

To suspend the sentence imposed on the petitioners /Appellant 1 and 2 by the
Learned XIX Additional judge, City Civil Court, Chennai dated 29.04.2025



made in SC.No.243 of 2022 and enlarge the petitioners/Appellant 1 and 2 on bail pending disposal of the above Criminal appeal

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CRL A No. 483 of 2025

PRAYER

To allow this Criminal Appeal and set aside Judgment dated 29.04.2025 made in S.C.No.243 of 2022 by the Learned XIX Additional Judge, City Civil Court, Chennai

For Petitioner(s): Mr. P.Govindarajan

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 XIX Addl. Judge, City Civil Court, Chennai, in S.C.No.243 of 2022 dated 29.04.2025, and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused 1 and 2 in S.C.No.243 of 2022 on the file of the learned XIX Addl. Judge, City Civil Court, Chennai. They were found guilty of the offences under Section 407 and 452 of IPC and they have been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 307 of I.P.C.	to undergo simple imprisonment for a period of five years and to pay fine of Rs.1,000/- each, in default to undergo simple imprisonment for six months.
2	Section 452 of IPC	to undergo simple imprisonment for a period of 3 years and to pay fine of Rs.500/- each, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioners have filed this appeal and consequently, they have filed the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that they have been falsely implicated in this case as if he along with other accused attacked the defacto complainant with deadly weapons, thereby he sustained grievous injury on various parts of his body. He would submit that they are in judicial custody from 29.04.2025 for more than six 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 petitioners/accused may be suspended. He would submit that the petitioners are ready to abide the condition imposed by this Court.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that totally six accused involved in this case, in which, A4 and A6 were acquitted in the said case. He would also contend that the first petitioner/A1 is not having any previous case and the 2nd petitioner/A2 is having three previous cases, out of which, two cases registered under Sec.302 I.P.C. and one case registered under Sec.307 of I.P.C.. 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. On seeing the facts, it reveals that the alleged occurrence took place in the year 2021 and they are in judicial custody from 29.04.2025 for more than six months. As per contentions of prosecution, the first petitioner/A1 is not having any previous case and the 2nd petitioner/A2 is having three previous cases, out of which, two cases registered under Sec.302 I.P.C. and one case registered under Sec.307 of I.P.C. Considering that and considering the facts



and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, 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 as against the 1st petitioner on certain conditions.

7. So far as the 2nd petitioner/A2 is concerned, he is having three previous cases, out of which, two cases registered under Sec.302 I.P.C. and one case registered under Sec.307 of I.P.C. Therefore, this Court is not inclined to suspend the sentence as against 2nd petitioner.

8. 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 as against 1st petitioner on the following conditions:

(a) the 1st petitioner **shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of S.C.No.243 of 2022 on the file of learned XIX Addl. Judge, City Civil Court, Chennai, within a period of two weeks from the date of receipt of copy of this order. Failing which, the order passed by this**



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Court shall stand automatically cancelled. On such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement.

(b) On such deposit of amount being made, the 1st petitioner/accused is ordered to be released on bail, on his 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 XIX Addl. Judge, City Civil Court, Chennai.**

(c) The 1st 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 1st petitioner shall appear before the respondent police on every Sunday 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.

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

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XIX Addl. Judge, City Civil Court, Chennai
2. The Inspector of Police, K-3, Aminjikarai Police Station, Chennai.
3. The Superintendent of Prison, Central Prison-1. Puzhal, Chennai.
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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