



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.No.21233 of 2025
in Crl.A.No.1502 of 2025**

Kanniyappan

...Petitioner

Versus

State Rep by
Inspector of Police,
Nambiyur Police Station,
Erode District.
(Crime No.302/2020)

...Respondent

Prayer:

This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C and Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed in S.C.No.16 of 2022 on the file of the learned III Additional District and Sessions Court at Gobichettipalayam, Erode District dated 29.08.2025 and enlarge the petitioner on bail pending disposal of the above Crl.A.No.1502 of 2025.

For Petitioner	:	Mr.C.S.Saravanan
For Respondent	:	Mr.V.Meganathan, Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed on him by the learned III Additional District and Sessions Judge, Gobichettipalayam, Erode District vide Judgment dated 29.08.2025 in S.C.No.16 of 2022 and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner is Accused No.3 in S.C.No.16 of 2022 on the file of III Additional District and Sessions Court, Gobichettipalayam, Erode District. The petitioner/accused was found guilty of the offence under Section 489(b) & 489(c) of IPC. Therefore, the trial Court vide Judgment dated 29.08.2025 in S.C.No.16 of 2022, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 489(b) of IPC	To undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.
2	Under Section 489(c) of IPC	To undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.



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Aggrieved by the said conviction and sentence, petitioner/accused has preferred the present Criminal Appeal.

3. The learned counsel for the petitioner/accused submitted that petitioner/accused has been under the judicial custody for more than 2 months. He further submitted that petitioner/accused has a fair chance of succeeding in the Criminal Appeal and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on the petitioner/accused may be suspended.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that he has serious objection for granting bail to petitioner/accused.

5. Heard the learned counsel on both sides and perused the materials available on record.



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6. Considering the submissions made by the learned counsel for petitioner/accused coupled with the quantum of punishment imposed on petitioner/accused and taking into consideration of the fact that the Criminal Appeal is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(i) The sentence of imprisonment imposed on the petitioner/accused shall be suspended and the petitioner/accused shall be released on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (out of which, one surety should be blood surety), each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;



(iii) The petitioner/accused shall appear before the respondent Police on every Saturday at 10.30 a.m. and also, he shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., for a period of 5 months 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 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court.

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

12.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Crl.A.No.1502 of 2025 for hearing in the 2nd week of February, 2026.



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To

- 1.The III Additional District and Sessions Judge,
Gobichettipalayam, Erode District.
- 2.The Inspector of Police,
Nambiyur Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

mrr

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