



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No.22492 of 2025

and

CRL RC No. 2542 of 2025

1.Sekar

S/o.Muthumaran,

Door No.283, Harur Taluk, Virappanayakkampatti,
Dharmapuri - 636 906.

2.Sridhar

S/o.Muthumaran,

Virappanayakkampatti Post, Harur Taluk,
Virappanayakkampatti, Dharmapuri - 636 906.

..Petitioner(s)

Vs

1.Kannagi

W/o.Dhanapal, Virappanayakkampatti Village,
Harur Taluk, Dharmapuri - 636 906.

2.State of Tamil Nadu, Rep. By

The Inspector of Police, Harur Police Station,
Dharmapuri.

Cr.No.155/2016

..Respondent(s)

To enlarge the petitioners on bail by suspending the sentence imposed on the petitioners by the learned Addl. District and Sessions Judge, Dharmapuri in the judgment made in Crl.A.No.12 of 2025 dated 22.10.2025 pending disposal of the above Criminal Revision.



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For Petitioner(s):

Mr. D.Senthur Kugan

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners seeking suspension of sentence imposed by the learned Addl. District and Sessions Judge, Dharmapuri, in Crl.A.No.12 of 2025 dated 22.10.2025, and enlarge the petitioners on bail pending disposal of the above Crl.R.C.

2. The petitioners herein are the appellants/accused 1 and 2 in Crl.A.No.12 of 2025 on the file of the learned Addl. District and Sessions Judge, Dharmapuri. They were found guilty of the offences under Section 341 and 307 of IPC/BNS and they have been convicted and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.3000/- each, in default to undergo rigorous imprisonment for a period of six months. Aggrieved by the same, the petitioners have filed this Criminal Revision Case and consequently, they have filed the present miscellaneous petition.

3. The learned counsel for the petitioners/accused would submit that before the trial court, they were acquitted and the first appellate court convicted them without considering the fact that the prosecution has not proved the case beyond reasonable doubt. He would submit that all are close relatives and they have been falsely implicated in this case as if they have joined



together, restrained the defacto complainant, assaulted him indiscriminately with deadly weapons, since there was previous enmity between them. He would further submit that there is no eye-witnesses in supporting the case of prosecution, inspite of that, they were convicted and they are in judicial custody from 22.10.2025 for more than one month. He would further submit that there are arguable points available in the Criminal Revision Case and the petitioners/accused have 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. As per the contentions of learned counsel for petitioner, it reveals that



before the trial court, they were acquitted and the first appellate court convicted them without considering the fact that the prosecution has not proved the case beyond reasonable doubt. It would further reveals that they are all close relatives and there is no eye-witnesses in supporting the case of prosecution, inspite of that, they were convicted and they are in judicial custody from 22.10.2025 for more than one month. Considering that and also considering the fact that they have already paid the fine amount 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 petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal revision 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 petitioners/accused are 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 Addl. District and Sessions Judge,**



Dharmapuri.

(b) The petitioners/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.

(c) The petitioners are directed to 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 they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

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

27-11-2025

RPP

To

1. Addl. District and Sessions Judge, Dharmapuri.
2. The Inspector of Police, Harur Police Station, Dharmapuri.
3. The Superintendent of Prison, Central Jail, Salem.



4. The Public Prosecutor, High Court, Madras.

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T.V.THAMILSELVI, J.

RPP

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**27-11-2025
(2/2)**