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Crl.M.P.No.23891 of 2025 in Crl.A.No.1902 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.23891 of 2025

in

Crl.A.No.1902 of 2025

Shanmugam

... Petitioner/2nd Accused

Vs.

The State Represented by
The Inspector of Police,
Poolampatti Police Station,
Edapaddi Station Circle, Salem.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence passed in SC No.40 of 2018 dated 28.11.2025 passed by the learned Sessions Judge, Mahila Court, Salem.

For Petitioner : Mr.S.Sheik Ismail

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER



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This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioner/accused by judgment and order dated 28.11.2025 passed in S.C. No.40 of 2018 on the file of the learned Sessions Judge, Mahila Court, Salem, and to enlarge the petitioner on bail pending disposal of the appeal.

2. It is the case of the prosecution that on account of prior enmity, the petitioner along with the other accused attacked the defacto complainant and abused him in filthy language.

3. The petitioner/accused in S.C. No.40 of 2018 was convicted by the Trial Court by judgment dated 28.11.2025 and sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.10,000/-, in default to undergo six month rigorous imprisonment for the offences punishable under Section 307 of IPC. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1902 of 2025 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner submitted that



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the allegations are false; and that the petitioner has raised substantial grounds in the appeal, which requires consideration and prayed for granting suspension of sentence to the petitioner.

5. The learned Government Advocate (crl.side) appearing for the respondent, per contra, opposed the grant of suspension of sentence to the petitioner on the ground that the prosecution has established its case beyond reasonable doubt, and hence, the petition is liable to be dismissed.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) appearing for the respondent and perused the record.

7. Considering the fact that there are several arguable points in the above appeal, which require consideration and the fact that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, this criminal miscellaneous petition stands



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allowed and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner/accused is ordered to be released on bail, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Salem;

(ii) 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

(iii) The petitioner shall 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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16.12.2025

Issue order copy by 16.12.2025.
Upload the order copy forthwith.
To

1. Learned Sessions Judge, Mahila Court, Salem.



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2. The Inspector of Police,
Poolampatti Police Station,
Edapaddi Station Circle, Salem

3. The Public Prosecutor, Madras High Court.

4. The Superintendent, Central Prison, Salem.



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SUNDER MOHAN, J.
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