



Crl.MP.(MD).No.417 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.MP.(MD).No.417 of 2025

and

Crl.A(MD)No.26 of 2025

1.Eellathurai

2.Thangaraj

... Petitioners/ Accused Nos.1&2

Vs.

The State of Tamil Nadu represented by its,
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

... Respondent/ Respondent

PRAYER : Petition filed under Section 430 of BNSS, to enlarge the petitioners on bail by suspending the sentence imposed in S.C.No.88 of 2020 by the Additional District Court (Fast Track Court), Palani, dated 08.11.2024.

For Petitioners	:	Mr.D.Venkatesh
For Respondent	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and fine passed by the learned Additional District Court (Fast Track Court), Palani, in

S.C.No.88 of 2020, dated 08.11.2024, to enlarge the petitioners on bail till the disposal

<https://www.mhc.tn.gov.in/judis>



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of the Criminal Appeal.

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2. The case of the prosecution is that the petitioners are the accused Nos.1 & 2 in S.C.No.88 of 2020 and facing charges under Sections 341, 294(b), 353, 506(1) and 3 (1) of TNPPDL Act. As per the allegation, the defacto complainant and one Malaikani are working as driver and conductor in the Tamil Nadu State Transport Corporation. On 05.03.2017, at about 09.30 p.m, when the TNSTC bus bearing Reg.No.TN-57-N-1152, was proceeding towards Udumalaipettai from Kuthiraiyaru Dam, the appellants, who came into a two wheeler bearing Reg.No.TN-57-AY-9022 are said to have waylaid the bus and abused the defacto complainant and the conductor in filthy language and threatened them with dire consequences. Further, threw a stone on the back side glass of the government bus and caused damage worth about Rs.4,500/-. Hence, the complaint.

3. On receipt of the complaint, the respondent police registered a case in Crime No.51 of 2017 for the offences under Sections 341, 294(b), 353, 506(1) and 3 & 5 of TNPPDL Act.

4. The respondent police, after completing the investigation, has laid a final report before the learned Judicial Magistrate, Palani, and the same was taken on file in PRC.No.28 of 2017 for the offences under Sections 341, 294(b), 353, 506(1) and 3 | (1) of TNPPDL Act. Thereafter, the learned Judicial Magistrate, Palani, the learned



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Magistrate committed the case to the Additional District Court (Fast Track Court), Palani, for further investigation and the same was taken on file in S.C.No.88 of 2020.

5. During the trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 14 documents as Ex.P.1 to Ex.P.14 were marked and Material Objects were marked as MO.1 to Mo.3. On the side of the defence, no one was examined and no document was marked.

6. The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, acquitted the petitioners from the offence under Section 506(1) of IPC and convicted the them for the offence under Section 341, 294(b), 353 and 3(1) of TNPPDL Act and sentenced them to pay a fine of Rs.500/- each in default, to undergo 2 weeks Simple Imprisonment each for the offences under Sections 341, 294(b) and 353 of IPC and sentenced them to undergo 1 year Simple Imprisonment each and to pay a fine of Rs.5,000/- in default to undergo 1 month Simple Imprisonment.

7. Thereafter, the trial Court has granted interim suspension of sentence to the petitioners.

8. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petitions seeking suspension of sentence.



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9. The learned Counsel for the petitioners submitted that there was a delay of 08.30 hours in lodging the FIR. Apart from that, according to P.W.1, the petitioners are the strangers. But, however, their names were mentioned in the FIR. P.W.8 is not a competent person to access the damage. Further, a number of contradictions between the evidences regarding the alleged occurrence. In the said circumstance, the offence is not made out against the petitioners. Hence, he seeks to grant of suspension of sentence to the petitioners.

10. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

11. This Court has carefully considered the rival submissions by either side and also perused the materials available on record.

12. Considering the facts and circumstances of the case and also considering the fact that the trial Judge has already granted interim suspension of sentence to the petitioners, and there is no antecedent against the petitioners and certain infirmities, inconsistencies and contradictions in material particulars brought to the knowledge of this Court, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is inclined to grant of suspension of



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sentence.

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13. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Court (Fast Track Court), Palani.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioners shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

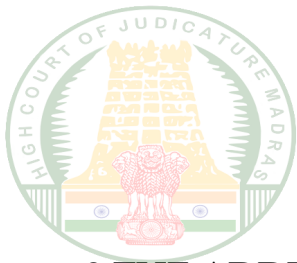
dss

TO

1 THE ADDITIONAL DISTRICT JUDGE (FAST TRACK COURT), PALANI.

2 THE INSPECTOR OF POLICE, PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-627[I] dated 22/01/2025)

ORDER
IN
Crl.MP.(MD).No.417 of 2025
and
Crl.A(MD)No.26 of 2025
Date :21/01/2025

RS/GSV/SAR-(24.01.2025) 6P 5C
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