



CRL.MP(MD).No.6486 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.05.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

CRL.MP(MD).No.6486 of 2025

in

CRL RC(MD).No.588 of 2025

Gurusamy @ Mani,
S/o.Paraman

... Petitioner / Respondent / Respondent

vs.

1.Meena,
W/o.Gurusamy

2.Minor. Sri Sakthi Tharanesh,
S/o.Gurusamy @ Mani

... Respondent / Petitioners / Petitioners

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to suspend the conviction and sentence imposed in Crl.M.P.No.479 of 2022 dated 28.02.2025 in M.C.No.37 of 2019 dated 24.05.2022 on the file of the Famil Court, Dindigul and enalarge the petitioner on bail pending disposal of the above criminal revision.

For Petitioner : Mr.R.Karunanidhi,
Advocate



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner by the Family Court, Dindigul, in Crl.M.P.No.479 of 2022 dated 28.02.2025 in M.C.No.37 of 2019, dated 24.05.2022, till the disposal of the Criminal Revision Case in Crl.R.C.(MD).No.588 of 2025 and enlarge the petitioner on bail.

2. The learned counsel appearing for the petitioner would submit that the respondent filed a maintenance petition under Section 125 of Cr.P.C. before the learned Family Court, Dindigul in M.C. No.37 of 2019 and the learned Magistrate, after enquiry, has passed an order, dated 24.05.2022, directing the petitioner herein to pay monthly maintenance amount of Rs.10,000/- (Rupees Ten Thousand only) to both the respondents. Since the petitioner has not paid the maintenance amount, the respondent filed a petition under Section 144(3) of BNSS in Crl.M.P.No.479 of 2022 for enforcement of the earlier order dated 24.05.2022, and the learned Magistrate has passed an order, dated 28.02.2025, sentencing the petitioner to undergo simple imprisonment for a period of 12 months. Aggrieved by the above said order, the petitioner has come forward with the criminal revision case, along with the present Criminal Miscellaneous Petition seeking suspension of sentence and bail.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is a mason, and the petitioner has no sufficient income, and he was not able to pay the maintenance as ordered by the Court. Further, the learned counsel for the petitioner submits that the petitioner is now ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to prove his *bonafide*. Further the learned counsel for the petitioner submits that the petitioner undertakes to pay the remaining arrears of maintenance amount on or before 09.07.2025. Further the learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case. The petitioner has good case to succeed in the Revision. He further submits that the criminal revision is not likely to be taken up for final hearing in the near future. Accordingly, he prays to order suspension of sentence and bail.

4. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has also perused the materials available on record.

5. Considering the facts and circumstances of the case, considering the fact that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), a portion of arrears of maintenance amount and further submissions of the learned counsel that the petitioner undertakes to pay the remaining arrears of maintenance amount (Rs.1,20,000/-) on or before 09.07.2025 and considering the nature of



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avocation of petitioner (mason) and in the interest of justice, this Court is inclined to
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order suspension of sentence and bail to the petitioner.

6. Accordingly, this petition is allowed, and the relief of suspension of sentence and bail is granted to the petitioner subject to the following conditions :

(i) Suspension of Sentence is ordered and bail is granted to the petitioner subject to the execution of bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Family Court, Dindigul.

(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.

(iii) The petitioner shall appear before the Trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(iv) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crl.M.P. No.479 of 2022 in M.C.No.37 of 2019 on the file of the Family Court, Dindigul on or before 09.06.2025 failing which, the Suspension of Sentence and bail granted in favour of



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the petitioner shall be cancelled automatically without reference to this Court.

(v) Further, as agreed by the petitioner, he shall deposit a sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to credit of CrI.M.P. No.479 of 2022 in M.C.No.37 of 2019 on the file of the Family Court, Dindigul on or before 09.07.2025 failing which, the Suspension of Sentence and bail granted in favour of the petitioner shall be cancelled automatically without reference to this Court.

sd/-
09/05/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.THE FAMILY COURT, DINDIGUL.
 2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 3. THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1 CC to M/s.R.KARUNANIDHI, Advocate (SR-5479[I] dated 12/05/2025)



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ORDER
IN
CRL MP(MD) No.6486 of 2025
IN
CRL RC(MD) No.588 of 2025
Date :09/05/2025

PP/12.05.2025 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023