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CRL MP No. 1839 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 1839 of 2026 in
Crl.A.No.125 of 2026**

Selvamurugan

Petitioner

Vs

State Rep. by,
The Inspector of Police,
Senthurai Police Station,
Ariyalur District.
Cr.No.34 of 2022.

Respondent

PRAYER Criminal Miscellaneous Petition filed Section 448 of BNSS / 389 (1) of Cr.P.C., to suspend the sentence and grant bail to the petitioner/appellant for the conviction and sentence imposed in SC.No.23 of 2023 dated 15.12.2025 on the file of the Sessions Judge, Fast Track Mahila Court, Ariyalur, pending disposal of the above said Criminal Appeal.

For Petitioner(s): Mr.K.Gandhi Kumar

For Respondent(s): Mr.S.Balaji,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 15.12.2025 passed in S.C.No.23 of 2023 by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur, pending disposal of the above criminal appeal, and to enlarge the



petitioner on bail.

2. The petitioner/Accused in S.C.No.23 of 2023 was convicted by the Trial Court by judgment dated 15.12.2025, for the following offence:

Conviction under Sections	Sentence awarded
342 IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months.
448 IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months.
376(1) r/w. 511 I.P.C.,	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for six months.

3. Aggrieved by the same, the petitioner has preferred CrI.A.No.125 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner was known to the victim and they both are neighbours; that on the date of occurrence, 19.02.2022 at about 11:30 p.m, when the victim was sleeping in her house, she realised that somebody was pulling her dress; that when she shouted, the children woke up; that later she realised that the petitioner had come into the house by breaking



open the tiles in the roof and thereafter escaped through the opening in the roof; and that thereafter she found that the door of the house was locked from outside; Thus the petitioner committed the aforesaid offence.

5. The learned Counsel for the petitioner would submit that it is highly improbable to go out of the house through the roof and even according to P.W.1, the roof can be touched only after standing in a stool; that the prosecution has not seized the broken tiles and prayed for suppression of sentence.

6. The learned Public Prosecutor would confirm that the evidence of PW1 cannot be disbelieved; that the impugned judgment is therefore justified.

7. Admittedly the petitioner and the victim's family had prior enmity because the petitioner allegedly had illicit relationship with the victim's sister-in-law. PW1 had herself admitted that it is impossible to touch the roof of the house and unless one stands on a stool, the roof cannot be touched. Therefore, the allegation that the petitioner escaped through the opening in the roof *prima facie* appears to be impossible. Further the petitioner has been sentenced to a fixed period of imprisonment.

8. Considering all the above facts, and the period of incarceration undergone by the petitioner, and since the petitioner has made out a *prima facie*



case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a 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 learned District Munsif-cum-Judicial Magistrate Court, Sendurai;
- (ii) The petitioner and 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 and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the 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.

23-02-2026

vum



To

1. The Sessions Judge,
Fast Track Mahila Court, Ariyalur.
2. The District Munsif-cum-Judicial Magistrate Court,
Sendurai
3. The Inspector of Police,
Senthurai Police Station, Ariyalur District.
4. The Superintendent,
Central Prison, Tiruchirappalli.
5. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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