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CrI.MP.No.3991 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.MP.No.3991 of 2026

in

CrI.A.No.1267 of 2025

Kathiresan

...Petitioner/3rd Appellant

Vs.

1. Elizabeth

2. Reshma Banu

3. The Inspector of Police,
All Women Police Station,
Devala Police Station,
Devala, Nilgiris District.

...Respondents

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to suspend the substantial sentence of 5 years of rigorous imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram (FTC), Udthagamandalam, vide order dated 16.06.2025 made in S.C.No.33 of 2018, and to enlarge the petitioner/3rd appellant on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Prakash Paul

For Respondents : Ms.J.R.Archana, GA(CrI. Side), for R3



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ORDER

This criminal miscellaneous petition has been filed by the petitioner/3rd appellant seeking suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram (FTC), Udhagamandalam, in S.C.No.33 of 2018, vide judgment dated 16.06.2025.

2. The conviction and sentence imposed against the petitioner/3rd appellant, vide impugned judgment is as follows:-

<i>Under Section</i>	<i>Sentence</i>
370(1)(4) r/w. 511 of IPC and in the alternative under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 r/w. 511 of IPC	Five years rigorous imprisonment and a fine of Rs.1,00,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner/3rd appellant submitted that the petitioner is A4 and he, along with other accused persons, preferred the above appeal in Crl.A.No.1267 of 2025 and this Court, vide order dated 28.11.2025 made in Crl.MP.No.22675 of 2025 in Crl.A.No.1267 of 2025 suspended the sentence imposed on the co-accused/A1. He further submitted that the petitioner is in prison from the date of judgment i.e.,



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16.06.2025 till date. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/3rd appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/3rd appellant may be suspended and the petitioner/3rd appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the 3rd respondent submitted that the petitioner and other accused persons procured a child and were arrested and remanded to judicial custody while attempting to sell the child. Given the grievous nature of the offence, he strongly opposed for granting suspension of sentence.

5. Heard the learned counsel on either side and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/3rd appellant that the petitioner is in prison from the date of judgment ie., 16.06.2025, this Court is inclined to grant the relief of

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suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/3rd appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (FTC), Udhagamandalam and on further conditions that:-

(i) The petitioner/3rd appellant 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 Passbooks to ensure their identities.

(ii) The petitioner/3rd appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders 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 355 of BNSS, 2023 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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8. This criminal miscellaneous petition stands ordered accordingly.

02.03.2026

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To:

1. The Sessions Judge,
Mahalir Neethimandram (FTC), Udthagamandalam.
2. The Central prison,
Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Devala Police Station,
Devala, Nilgiris District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

skt

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