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Crl.MP.No.3797 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

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

Crl.MP.No.3797 of 2026

in

Crl.A.No.238 of 2026

Gopalsamy

...Petitioner

Vs.

State through:

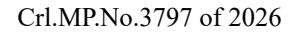
1. The Deputy Superintendent of Police,
Pollachi Sub Division,
(Negamam Police Station),
Coimbatore.
2. The Inspector of Police,
Negamam Police Station,
Coimbatore.
3. Kumar

...Respondents

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to suspend the sentence imposed by the Special Court for Trial of cases under SC/ST (PoA) Act, Coimbatore in Spl.S.C.No.64 of 2023 dated 05.01.2026 and to enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.Ma.P.Thangavel

For Respondents : Ms.J.R.Archana, GA(Crl. Side), for R1 & R2
: No Appearance, for R3



ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Special Judge for Trial of cases under SC/ST (PoA) Act, Coimbatore, in Spl.S.C.No.64 of 2023, vide judgment dated 05.01.2026.

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

<i>Under Section</i>	<i>Sentence</i>
294(b) of IPC	To undergo three months rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
324 of IPC	To undergo three years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
3(1)(r) of SC/ST (PoA) Act	To undergo five years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
3(1)(s) of SC/ST (PoA) Act	To undergo five years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.



324 of IPC r/w. 3(2)(va) of SC/ST (PoA) Act	To undergo three years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
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3. Learned counsel for the petitioner/appellant submitted that the petitioner is innocent and though the alleged occurrence is said to have taken place on 27.09.2019, the complaint was lodged only on 29.09.2019, despite the fact that the victim was conscious in the hospital and the Accident Register (AR) copy indicates that the victim was in an inebriated condition at the time of admission and the Medical Officer has also deposed that the injuries are simple in nature and the victim could have sustained the said injuries due to a fall. He further submitted that there is absolutely no material to show that the petitioner had assaulted the victim on account of him belonging to the Scheduled Caste community. 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/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.



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4. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st and 2nd respondents submitted that the petitioner assaulted the victim on the sole ground that he belongs to a Scheduled Caste community, due to which, the victim sustained grievous injuries and got admitted to hospital and took treatment as an in-patient and since he could not speak, there was a delay in filing the complaint. Hence, she strongly opposed for granting suspension of sentence.

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

6. Despite service of notice on the 3rd respondent/de facto complainant, there is no representation on behalf of the 3rd respondent. Hence, this Court is inclined to dispose of this petition, based on the materials available on record.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.



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8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Trial of cases under SC/ST (PoA) Act, Coimbatore and on further conditions that:-

(i) The petitioner/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/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.

9. This criminal miscellaneous petition stands ordered accordingly.

10. Registry is directed to post the main appeal in the usual course.

13.03.2026

skt



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To:

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1. The Special Judge for Trial of cases under SC/ST (PoA) Act, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Deputy Superintendent of Police, Pollachi Sub Division, (Negamam Police Station), Coimbatore.
4. The Inspector of Police, Negamam Police Station, Coimbatore.
5. The Public Prosecutor, Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

skt

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