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CRL MP No. 9647 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-06-2026**

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**THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**CRL MP No. 9647 of 2026**

**IN**

**CRL RC NO. 1205 OF 2026**

M.Kanagamani, S/o.Mahalingam,  
Valluvar Nagar, Sokkanathapuram Taluk,  
Athur Taluk, Salem District.

..Petitioner(s)

Vs

The State represented by, The Inspector of Police,  
Vazhapadi Police Station, Salem District.  
In Cr.No.397/2022

..Respondent(s)

**Prayer:** To Suspend the Sentence imposed in judgment dated 17.03.2026 made in C.A.No.211/2023 on the file of the Additional District and Sessions Judge, Athur confirming the Judgment in C.C.No.165/2022 dated 09.11.2023 on the file of Learned District Munsif Cum Judicial Magistrate, Vazhapadi and release the petitioner on bail pending criminal revision petition and thus render justice.

For Petitioner(s): Mr.S.Bharanidharan

For Respondent(s): Mr.M.Dinesh, GA (Criminal Side)

**ORDER**

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to Suspend the Sentence imposed in judgment dated 17.03.2026 made in C.A.No.211/2023 on the file of the Additional District and Sessions Judge, Athur confirming the Judgment in C.C.No.165/2022 dated 09.11.2023 on the file of Learned District Munsif Cum Judicial



Magistrate, Vazhapadi and to enlarge the Petitioner on bail, till the disposal of the instant Criminal Revision Case.

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2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offence under Section 279 of IPC to undergo Simple Imprisonment for six months and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for two months and for the offence under Section 304(A) (2 counts) to undergo simple imprisonment for two years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for two months. The impugned judgement judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.
3. Challenging the above said judgement of conviction and sentence and order of the lower appellate court, the Revision Petitioner has filed the above Criminal Revision Case, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.
4. This Court heard Mr.S.Bharanidharan, the learned counsel for the Petitioner and Mr.M.Dinesh, the Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.
5. The learned counsel for the Petitioner has submitted that the courts below failed to prove the guilt of the accused beyond reasonable doubt and that



there are contradictions in the evidence of the prosecution witnesses and also in the medical evidence and that the evidence on record would expose the fact that the version of the prosecution suffers from various missing links and that the impugned judgements of the courts below are improper and contrary to the material evidence on record and that both the courts below have failed to consider the entire evidence, in a proper and perspective manner and that the judgments passed by both the Courts below were based on surmises and conjectures, without considering the entire evidence on record.

6. It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the



conditions, which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

8. The learned Government Advocate (Criminal Side) for the Respondent has opposed the arguments advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Govt. Advocate (Criminal Side) for the Respondent, this Court is of the view that both the courts below have failed to appreciate the evidence on record and the impugned judgments were passed, without considering the entire materials placed before it and during the Trial, the Revision Petitioner was also on bail.

10. Further, it is observed that when the accused have been under incarceration for sometime and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

11. The Revision Petitioner has raised substantial grounds in the Revision, which



require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, M.Kanagamani, S/o.Mahalingam, on the following conditions:-

- i. The Revision Petitioner shall surrender before the District Munsif Cum Judicial Magistrate, Vazhapadi, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of Rs.15,000/- each and subject to furnishing an undertaking that he will co-operate in the hearing of the present Revision.
- ii. The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court may obtain copies of their Aadhaar card or Bank pass Book to ensure their identity.
- iii. The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- iv. The Revision Petitioner shall appear before the District Munsif Cum Judicial Magistrate, Vazhapadi, once in every month, ie., on the first working day, commencing from the month of July 2026, at 10.30 a.m., until further orders.

13. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.



14. With the above directions, this Criminal Miscellaneous Petition is ordered

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Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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**SHAMIM AHMED, J.**

**SRCM**

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IN  
CRL RC NO. 1205 OF 2026**

**2/2**

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To

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1. The Additional District and Sessions Judge,  
Athur
2. The District Munsif Cum Judicial Magistrate,  
Vazhapadi
3. The Inspector of Police,  
Vazhapadi Police Station, Salem District.
4. The Public Prosecutor, Madras High Court, Madras