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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 21028 of 2026
in CRL A No.1372 of 2026

1. Prasanth
2. Nishanthkumar
3. Manickam

..Petitioner(s)

Vs

The State rep. by,
The Inspector of Police
Saibaba Colony Police Station,
Coimbatore District.
Crime No.181 of 2020

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed in S.C.No.35 of 2026 dated 31.08.2026 passed by the learned Sessions Judge, Bomb Blast Cases, Coimbatore and enlarge the petitioners on bail pending disposal of Criminal Appeal before this Court.

For Petitioner(s): Mr.M.N.Balakrishnan

For Respondent(s): Mr. R. Thhirumoorthy,
Additional Public Prosecutor

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ORDER

The appeal challenges the Judgment passed in S.C.No.35 of 2026 holding the petitioners guilty of the offences under Section 397 r/w 394 IPC and sentencing each of them to seven years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo one year simple imprisonment.

2. It is the case of the prosecution that A1 and the victim, who was a boy of the same age, had indulged in unnatural sex; that A1, taking advantage of the same, called his friends A2 and A3 to commit robbery; that all of them threatened the victim and committed robbery of a mobile phone and Rs.5,000/- in cash; and thus committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that even according to the defacto complainant, he had a consensual relationship with A1; that the allegations of robbery is an afterthought; that though the occurrence is said to have taken place on 09.03.2022, the complaint was lodged only on 04.04.2022, nearly one month after the occurrence; and hence, prayed for suspension of sentence.

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4.Heard the learned Additional Public Prosecutor, who would submit that the petitioners are involved in one more similar offence, which is pending trial.

5.It is seen from the impugned Judgment that the defacto complainant had given the complaint on 04.04.2022 for the alleged occurrence that took place on 09.03.2022. Admittedly, he had a consensual relationship with A1. No recovery has been shown of the alleged robbed cell phone or the cash. Hence, the petitioners have made out a *prima facie* case for grant of suspension of sentence.

6.The petitioners are in custody from 31.08.2026. The appeal is not likely to be taken up in the near future. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

7.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioners is suspended till the disposal of the above criminal appeal, on the following conditions:

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(a).The petitioners shall each 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 Sessions Judge, Bomb Blast Court, Coimbatore;

(b).The petitioners 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

(c).The petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

23-11-2026

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

TSG

Note: Issue order copy on 23.11.2026.

To

1.The Inspector of Police
Saibaba Colony Police Station,
Coimbatore District.
Crime No.181 of 2020.

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2.The Sessions Judge,
Bomb Blast Cases,
Coimbatore.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
Madras High Court.

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Order QR

SUNDER MOHAN, J.

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