



CRL MP No. 2511 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No.2511 of 2023
in CrI.A.No.663 of 2021**

Nagaraj
S/o.Rangan, No.56/E, Mukasimangalam Street,
Puthucoloney, Nathegowndan Pudur, Alanthurai,
Coimbatore District
(now Confined In Central Prison, Coimbatore)

...Petitioner/Appellant/
Accused

Vs

The State Rep. by
The Inspector of Police,
Perur Police Station,
Coimbatore District.
Cr. No 237/2015

...Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C., praying to suspend the sentence imposed against the conviction and sentence imposed against the petitioner in SC No. 43 of 2016 dated 26.08.2021 by the learned III Additional District and Sessions Judge, Coimbatore, pending disposal of the CrI A No. 663/2021 and release the petitioner on bail



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For Petitioner:

Mr.Saravanan P.

For Respondents:

Mr. A. Amarnath,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 26.08.2021 passed in S.C.No.43 of 2016 on the file of the learned III Additional District and Sessions Judge, Coimbatore, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner is the sole accused in the above Sessions Case and he was convicted by the trial Court for the offence under Section 302 of the IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.

3. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.



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4. It is the case of the prosecution that the deceased had an illicit relationship with the petitioner; that the deceased insisted the petitioner to live with her permanently; that since the petitioner refused to do so, the deceased had lodged complaints before the police against the petitioner and his family, besides humiliating him; that the petitioner therefore, decided to do away with the deceased; and that on 26.10.2015 at about 7.00 p.m., the petitioner took the deceased in his two-wheeler to a place called Darshini Garden, strangled the deceased and caused her death.

5. The learned counsel for the petitioner would submit that the petitioner is in jail from 26.08.2021; that his previous bail petition in Crl.MP.No.10205 of 2022 was dismissed on 14.10.2022; that certain vital points were not brought to the notice of this Court in the earlier bail petition; that the evidence of the witnesses suggesting motive and the fact that the petitioner was last seen alive with the deceased cannot be believed; that the circumstances do not point out only to the guilt of the petitioner; that in any case, considering the period of incarceration and the fact that the appeal is not likely to be taken up in the near future, prayed for suspension of sentence.



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6. The learned counsel for Government of Tamil Nadu (Criminal Side), would submit that the circumstances viz., motive, the deceased last seen alive with the petitioner and the extra-judicial confession of the petitioner, besides the recovery made from him, would prove the guilt of the petitioner and no case has been made out for suspension of sentence. Hence, he prayed for dismissal of the petition.

7. We have perused the records.

8. The petitioner is in custody from 26.08.2021. The earlier bail petition was dismissed on 14.10.2022, almost four years ago. The petitioner has raised several arguable points and pointed out the evidence to impress upon us that the circumstances have not been established. This Court is of the view that it has to be examined in the appeal as to whether the prosecution had established the circumstances fully and whether those circumstances point out only to the guilt of the accused. The appeal is not likely to be taken up in the near future. Therefore, considering all the above facts, we are inclined to grant the relief of suspension of sentence to the petitioner herein.



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9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentences imposed on the petitioner are suspended on the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Coimbatore.
- (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 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.

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Issue order copy by 28.07.2026
ars

(A.S.M.,J.) (S.M.,J.)
27-07-2026



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

ars

To

1. The III Additional District and Sessions Judge,
Coimbatore.
2. The Inspector of Police,
Perur Police Station, Coimbatore District.
3. The Superintendent of Prisons,
Central Prison, Coimbatore.
4. The Public Prosecutor
High Court of Madras, Chennai – 600 104.

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