



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 5579 of 2026
IN CRL A NO. 340 OF 2026**

1. Jeenathkumar
S/o Balakrishnan,
No.24, Narayanasamy Layout,
3rd Cross Street, Ratnapuri,
Coimbatore.
2. Senthilkumar
S/o Vellaidurai,
No.27, Narayanasamy Layout,
3rd Cross Street, Ratnapuri,
Coimbatore.
3. Suryaprakash,
S/o Thangaraj, No.20, Narayanasamy Layout,
3rd Cross Street,
Ratnapuri, Coimbatore.

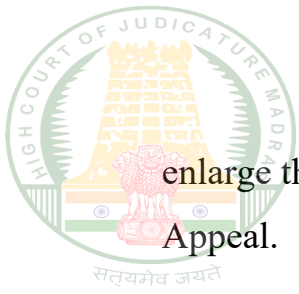
..Petitioner(s)

Vs

State Rep By, The Inspector of Police
M-4, Thudiyalur Police Station,
Coimbatore.
Crime No.736 of 2017

..Respondent(s)

Prayer : Petition filed under Section 438 (1) of BNSS to suspend the sentence imposed under the judgment dated 29.10.2025 in SC.No.59 of 2019 on the file of the learned III Additional District and Sessions Judge, Coimbatore and



enlarge the petitioners/appellants on bail pending disposal of the above Criminal Appeal.

WEB COPY For Petitioner(s): Mr.S.Anil Sandeep (for A1 and A2)
Mr. D.Padmanabhan (for A3)

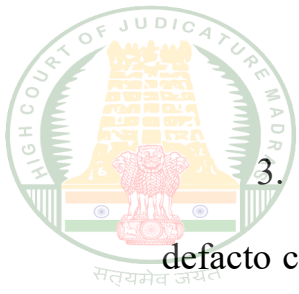
For Respondent(s): Mr.A.Amarnath,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

This is a petition seeking suspension of sentence dated 29.10.2025. Mr.S.Anil Sandeep, learned counsel for A1 and A2 and Mr.D.Padmanabhan, learned counsel for A3 have raised various grounds assailing the conclusions in the aforesaid judgment which is pending in appeal.

2. The case of the prosecution is that the deceased was known to the accused and, on account of a quarrel, had been murdered by them. About 10 days before the incident, one of the witnesses, one Jose, had met another witness by name Vignesh, and two had had a quarrel. On 16.10.2017, the three accused had asked the deceased to show them the house of Vignesh. Since the deceased had not identified the house, P1 and P2 attacked him, making several cuts on his body, the P3 hit him on the back of the head with a stone, and it is their overt acts that killed the deceased.



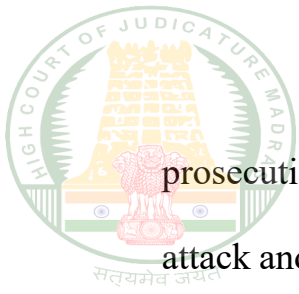
3. The prosecution relies on the depositions of PW1, P.Vigneshwaran, defacto complainant and brother of the deceased, PW4 and PW8, friends of the deceased and PW9, to buttress their case based on the motive of the accused and the last seen theory.

4. The Petitioners argue that no motive has been made out by the prosecution, the case as against the accused is circumstantial and there are yawning gaps in the version of the prosecution. The last seen theory on the basis of which the prosecution rests its case has not been established, and the witnesses on the basis of whom the prosecution rests its case are interested witnesses on whom reliance ought not to have been placed.

5. We have heard learned counsel and perused the appeal set containing the depositions and other evidence.

6. The post mortem certificate reveals that the deceased had died of shock and haemorrhage due to multiple stab and cut injuries and the fact that the death is homicidal is thus established. The prosecution has relied on the evidences of PW4 and PW8, who are both friends of the deceased and hence, interested witnesses. To this extent, and prima facie, we agree that their evidences cannot be taken at face value.

7. Prima facie, we are of the view that the prosecution has not established either the last seen theory or the motive for murder. Though the case of the



prosecution is premised on the quarrel between Jose and Vignesh that led to the attack and murder of the deceased, for reasons best known, Vignesh has not been examined.

8. That apart, we find contradictions in the depositions of PW4 and PW5 in regard to the sequence of events that took place, that have been noticed by the trial Court in disregarding their evidence. The case is based on circumstantial evidence where the chain of events must be unbroken, which is not the case in the present matter. This also renders the last-seen theory put forth by the prosecution, doubtful. Moreover, the depositions have been recorded in 2023, almost six years after the date of occurrence.

9. For the above reasons, we are of the view that the petitioners are entitled to suspension of sentence, and allow this Criminal Miscellaneous Petition. The sentence of imprisonment imposed on the petitioners is suspended on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- with two sureties each, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Judicial Magistrate I, Coimbatore.

(ii) 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 number to ensure their identity;



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(iii) *The petitioners shall appear before the trial Court on the first working day of every week 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 applications under Section 317 Cr.P.C 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.*

(A.S.M.,J.) (S.M.,J.)
20-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note to Registry: Issue Today.

To

1. The Inspector of Police
M-4, Thudiyalur Police Station,
Coimbatore. (Crime No.736 of 2017)
2. The learned III Additional District and Sessions
Judge, Coimbatore.
3. The Superintendent, Central Prison, Coimbatore.
4. The learned Judicial Magistrate I, Coimbatore.
5. The Public Prosecutor, High Court, Madras.



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

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