



WEB COPY

CRL MP No. 10344 of 2
in CrI.A.No.739 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL MP No. 10344 of 2026
in CrI.A.No.739 of 2026**

1. Sujithkumar,
S/o.Chidambaram,
No.6/240, 2 Kothumuttipalayam Appiyacot,
Kodangipalayam,
Ichuipatti, Tiruppur.
2. Sanjai Nishanth,
S/o.Chidambaram,
No.6/240, 2 Kothumuttipalayam Appiyacot,
Kodangipalayam,
Ichuipatti, Tiruppur.

..Petitioner(s)

Vs

State by
The Inspector of Police,
Karumathampatti Police station,
Coimbatore. Cr.No.376 of 2024.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 431(1) of BNSS, praying to suspend the sentence imposed against the petitioners on 27.05.2026 in SC.No.406 of 2024, on the file of the learned Sessions Court for Exclusive Trial of Bomb Blast Cases, Coimbatore, and release the petitioners on bail till the disposal of the Criminal Appeal.

For Petitioner(s): Mr.P.Pugalenth

For Respondent(s): Mrs.Sharada Vivek,
Government Advocate (Crl.Side)
Assisted by Mr.M.Arul Raj



ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment imposed by the judgment dated 27.05.2026 passed in S.C.No.406 of 2024 by the learned Sessions Court for Exclusive Trial of Bomb Blast Cases, Coimbatore, and to enlarge the petitioners on bail pending disposal of the above Criminal Appeal before this Court.

2. The conviction and sentence imposed on the petitioners/appellants vide the impugned judgment dated 27.05.2026 are as follows:

Rank of the Accused	Sections	Imprisonment
A1 & A2	Sections 309(6) r/w 311 of BNS	Sentenced to undergo Rigorous Imprisonment for a period of ten years each and to pay a fine of Rs.30,000/- each, and in default of payment of fine, the accused shall undergo further one year of simple imprisonment.

3. Aggrieved by the said conviction and sentence, the petitioners have preferred Crl.A.No.739 of 2026 before this Court, along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioners (A1 and A2), who are brothers, along with a juvenile (A3), had come on a two-wheeler on 24.08.2024. At about 2.30 p.m., while the de facto complainant (PW1) was passing



Semmandampalayam Road, opposite to Vallalar Karunai Old Age Home and Karunai Illam, he stopped his motorcycle to speak on his mobile phone. At that time, the petitioners approached him. A2 was allegedly holding an iron rod, and they threatened the de facto complainant, forcibly snatched his Redmi mobile phone, and fled the scene. PW1 chased them on his motorcycle, during which his bike fell down. He sustained injuries and was taken to the KMC Hospital, from where a complaint was subsequently lodged, resulting in the registration of Crime No.35 of 2024. On completion of the investigation, a charge sheet was filed against A1 and A2, and a separate case was initiated against the juvenile before the Juvenile Justice Board. During the course of the trial, PW1 to PW11 were examined, Exs.P1 to P18 were marked, and Material Objects MO1 and MO2 were produced.

5. The learned counsel for the petitioners submitted that in this case, PW1 is the de facto complainant/victim. PW1 and PW8 were projected as eye-witnesses, while PW5 and PW6 were examined as witnesses to the arrest and recovery. However, all these four vital witnesses did not support the case of the prosecution and were treated as hostile. PW3 is the son of PW1, who had merely taken his father to the hospital for medical treatment. He further submitted that the petitioners are said to have been arrested during a road check, wherein they allegedly gave a confession, and based on the said confession, the recovery was effected. However, the Investigating Officer admits that A1 was



arrested on 29.08.2024 and A2 was arrested on 11.09.2024. He further submitted that even according to the prosecution, the petitioners were total strangers to the victim. The alleged occurrence took place on 24.08.2024, but PW1 was examined before the Court only on 10.06.2025. No Test Identification Parade was conducted. Even in the complaint, PW1 not stated anything regarding the physical features or identity of the accused. Since there was a previous case against A1 and A1 and A2, who are brothers, both falsely implicated in this case.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that A1 (Sujithkumar) and A2 (Sanjay Nishanth) are own brothers, and A3 (the juvenile, Pradeep) is their friend. The de facto complainant, Krishnamoorthy, was engaged in the power loom weaving business. On 24.08.2024, the de facto complainant proceeded to Thekkalur on his motorcycle bearing Registration No.TN37CY7272 to purchase spare parts. At about 2.30 p.m., while returning, he stopped his motorcycle on the left side of Kamanayakkanpalayam–Semmandampalayam Road, near the Vallalar Karunai Old Age Home Junction, to speak on his mobile phone. At that time, A1 arrived riding a motorcycle bearing Registration No.TN37DE9283, belonging to his father. The juvenile (A3) was seated in the middle, and A2 was seated at the rear holding an iron rod. A1 approached the de facto complainant under the guise of inquiring about the route to Thekkalur. Taking advantage of



the situation, the juvenile forcibly snatched the de facto complainant's Redmi mobile phone, valued at approximately Rs.1,000/-. Simultaneously, A2 brandished the iron rod and criminally intimidated the de facto complainant by threatening, "If you follow us, I will kill you," following which all three fled the scene.

7. It is further submitted by the learned Government Advocate (Criminal Side) that the de facto complainant immediately raised an alarm and chased the accused persons on his motorcycle. During the pursuit, A1 slowed down his motorcycle, enabling A2, who was seated at the rear, to kick the de facto complainant's motorcycle with force. As a result, the de facto complainant lost control, fell onto the road, and sustained grievous injuries, including fractures to his right shoulder, right little finger, right knee, and right ankle. After completion of an elaborate and detailed investigation, the Inspector of Police altered the sections of the case to Sections 309(6) r/w 311 of the BNS and filed the charge sheet before the Judicial Magistrate, Sulur, which was taken on file vide PRC.No.35/2024. Thereafter, the case was committed to the Sessions Court for Exclusive Trial of Bomb Blast Cases, Coimbatore, and numbered as S.C.No.406 of 2024. The case was split up against the juvenile (A3), and a separate charge sheet was filed before the Juvenile Justice Board, Coimbatore, in J.C.No.166/2024, which was disposed of on 05.12.2025 by pardoning the juvenile.



8. The learned Government Advocate (Criminal Side) further contended that PW1 is the victim who clearly identified the accused persons before the Trial Court. Furthermore, PW1 was pushed down and sustained grievous injuries, for which he underwent medical treatment at KMC Hospital. PW10 is the Doctor who treated the victim and proved the Accident Register and Wound Certificate marked as Exs.P10 and P11. PW11 is the Investigating Officer who conducted the investigation, recorded the statements of the witnesses, arrested the accused, and recovered the properties based on their confessions. Therefore, considering the facts and circumstances, the Trial Court has rightly convicted the accused.

9. Heard both sides and perused the materials available on record.

10. It is seen that the alleged occurrence took place on 24.08.2024. In the primary complaint lodged by PW1, prior to his examination before the Trial Court, he had not stated anything regarding the identity of the accused persons. Nearly a year thereafter, during the trial on 10.06.2025, he identified the accused persons for the first time in the dock. Consequently, the dock identification becomes highly doubtful. Furthermore, the arrest and recovery witnesses, namely PW5 and PW6, as well as the projected eye-witnesses, namely PW2 and PW8, have completely failed to support the case of the



prosecution and turned hostile. Thus, the identity of the accused and the recovery of properties become doubtful, and the underlying conviction requires reconsideration.

11. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioners are suspended till the disposal of the above Criminal Appeal and the petitioners are ordered to be released on bail on the following conditions:

(i) The petitioners/Appellants/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Sessions Court for Exclusive Trial of Bomb Blast Cases, Coimbatore;

(ii) The Petitioners/Appellants/Accused and the sureties shall affix their photographs and Left Thumb Impressions 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 petitioners/Appellants/Accused shall appear before the trial Court at 10.30 a.m., once in every three months, without fail, until further orders;

(iv) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law



as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

12. Accordingly, this Criminal Miscellaneous Petition stands ordered.

20-08-2026

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

CDA

NOTE : Issue order copy by 20.08.2026



WEB COPY

CRL MP No. 10344 of 2
in Crl.A.No.739 of 2



To

- 1.The Sessions Court for Exclusive Trial of Bomb Blast Cases,
Coimbatore,
- 2.The Inspector of Police,
Karumathampatti Police Station, Coimbatore.
- 3.The Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL MP No. 10344 of 2
in Crl.A.No.739 of 2



M.NIRMAL KUMAR J.

CDA

**CRL MP No. 10344 of 2026
in Crl.A.No.739 of 2026**

20-08-2026