



WEB COPY

CRL MP No. 13221 of 2026

in

CRL A No. 901 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 13221 of 2026

in

CRL A No. 901 of 2026

Bangarusamy

Appellant(s)

Vs

The State rep by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
(Crime No. 629 of 2018)

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) r/w 483 of BNSS, to suspend the sentence of imprisonment imposed in the judgment dated 18.06.2026 made in S.C. No.39 of 2020 on the file of the Court of Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode and enlarge the appellant on bail pending disposal of the above criminal appeal.

For Petitioner(s): Mr. J. Ranjith Kumar

For Respondent(s): Ms. Sharada Vivek,
Government Advocate (Crl. Side)

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioner in S.C.No.39 of 2020 on the file of The Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Erode, by judgment dated 18.06.2026, pending disposal of the criminal appeal before this Court.

2. The petitioner/accused was convicted by the trial Court in S.C.No.39 of 2020 by judgment dated 18.06.2026. For the offence under Section 294(b) IPC, he was sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month. For the offence under Section 324 IPC, he was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months. The substantive sentences were directed to run concurrently. Aggrieved by the said judgment of conviction and sentence, the present petition has been filed.

3. The case of the prosecution is that, owing to a longstanding property dispute and previous enmity with the family of the defacto complainant, the petitioner, on 06.11.2018 at about 7.30 p.m., came to the place where PW1/defacto complainant was standing along with her husband, PW2, brother,



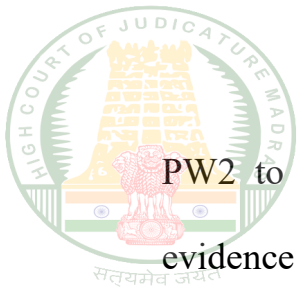
PW3 and mother, PW4 abused PW1 in filthy language, questioned her for visiting the village and intentionally fired an air gun aiming at her chest. PW1

moved aside, due to which the pellet struck her left shoulder, causing a simple injury. She was immediagely taken to the Government Hospital Gobichettipalayam, where she received treatment as an outpatient. Based on the complaint, the respondent police registered a case.

3.1. On completion of the investigation, charge sheet filed before the jurisdictional Court. During trial, the prosecution examined PW.1 to P.W.10 and marked Exs.P1 to P17 and produced M.O.1 to M.O.3. On completion of trial, the trial Court convicted the petitioner as stated above.

4. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated due to a longstanding property dispute and previous enmity between them. It was further submitted that the injury sustained by PW1 is only a simple injury and that the medical evidence does not support the prosecution case of an offence under Section 307 IPC. It was further submitted that the trial Court already suspended the sentence imposed on the petitioner.

5. Per contra, the learned Government Advocate (Crl.Side) submitted that the prosecution has established the guilt of the petitioner through the evidence of the injured witness, PW1, which is duly corroborated by the evidence of



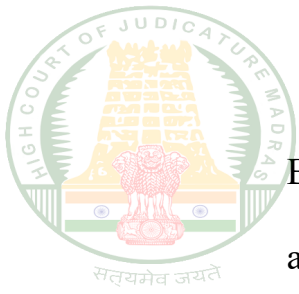
PW2 to PW4 and the medical evidence. Therefore, the trial Court, on the evidence of the witnesses had rightly convicted the petitioner. She fairly submitted that the sentence of the petitioner suspended by the trial Court.

6. Considering the fact that there are arguable points involved in this appeal, the trial Court already suspended the sentence and it would take some time for the appeal to be taken up for final hearing and the sentence of imprisonment imposed on the petitioner already suspended by the trial Court, this Court is inclined to suspend the sentence imposed on the petitioner.

7. In view of the above, the sentence of imprisonment imposed on the petitioner is suspended and the petitioner is to be enlarged on bail, pending disposal of the appeal, subject to the following conditions:-

(i) The petitioner/Appellant shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Erode.

(ii) The Petitioner/Appellant 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;

WEB COPY

(iii) The petitioner/Appellant shall appear before the trial Court once in every three months on the first working day at 10.30 a.m., 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*.

8. Accordingly, the Criminal Miscellaneous Petition is ordered.

27-07-2026

Neutral Citation: Yes/No
AT

To

1. The Sessions Judge,
Mahalir Neethimandram (Fast Track Mahila Court), Erode.

2. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

3. The Public Prosecutor, Madras High Court.



WEB COPY

CRL MP No. 13221 of 2026

in

CRL A No. 901 of 2026

M.NIRMAL KUMAR, J.

AT



CRL MP No. 13221 of 2026 in
CRL A No. 901 of 2026

27-07-2026