

Crl.M.P.(MD) No.2935 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) No. 2935 of 2026
in
Crl.A(MD)No.195 of 2026

Eswaran @ Kodeeswaran

..... Petitioner

Vs

The Inspector of Police
Sivakasi Taluk Police Station
Virudhunagar District
Crime No.851 of 2020

....Respondent

Prayer: Petition filed under Section 430 of B.N.S.S to suspend the sentence of imprisonment imposed by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in SC No.34 of 2021 by the judgment dated 05.09.2022 and enlarge the petitioner/appellant on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.J.Yogeswaran

For Respondent : Mr.C.Christopher
Government Advocate(Crl.Side)



ORDER

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Seeking to suspend the sentence imposed on the petitioner by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, vide judgment dated 05.09.2022 in SC No.34 of 2021 the present criminal miscellaneous petition has been filed.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
449 of IPC	Seven years rigorous imprisonment	Rs.2000/- i/d to undergo six months rigorous imprisonment
302 of IPC	Life imprisonment	Rs.3000/- i/d to undergo six months rigorous imprisonment
392 r/w.114 of IPC	Seven years rigorous imprisonment	Rs.2000/- i/d to undergo six months rigorous imprisonment
397 r/w.34 of IPC	Seven years rigorous imprisonment	Rs.2000/- i/d to undergo six months rigorous imprisonment

3. The case of the prosecution is that on 08.08.2020 at about 1.00 p.m., to 2.00 p.m., A1 and A2 in-order to commit robbery trespassed into the house of the deceased/Pragathi Monika and by assaulting her indiscriminately with arvuul committed murder and also robbed two sovereigns of gold jewels from her. A3



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who is the mother of A1 knowing well that the accused has committed the murder screened the accused and diverted the police. Based on the complaint a case has been registered in Crime No.851 of 2020 for the offences under Sections 449,302, 392 r/w.114 ,397 r/w.34 of IPC

4. The respondent police after completion of investigation filed final report before the learned Judicial Magistrate No.II, Sivakasi and the same was taken on file in PRC No. 10 of 2020 and was committed to Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and was taken for trial in SC No.34 of 2021. On the side of the prosecution P.W. 1 to 26 were examined and Exs.P.1 to P.22 were marked and Material objects M.O.1 to M.O.14 were marked. On the side of the accused no witness was examined and no document was marked. When the accused was questioned under Section 313 of Cr.P.C., he denied the charges. After hearing both sides the trial Court convicted the accused for the offences under Section 449,302,392r/w.114,397r/w.34 of IPC. Challenging the same, the present criminal appeal has been filed.

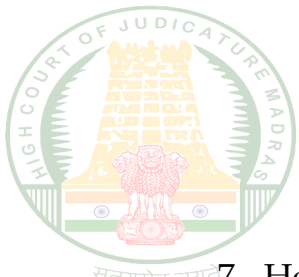
4. The learned Counsel appearing for the petitioner would submit that it is case of circumstantial evidence. The petitioner is a resident in the opposite house and he has been arrested on suspicion. Even as per P.W.2 the petitioner was said to be arrested and he was found in the police station on the same day of occurrence,



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whereas as per prosecution the petitioner was stated to be arrested after two days of the said occurrence and those contradictions creates doubts with regard to the arrest, recovery and seizure. The trial Court erred in convicting the petitioner. when the recovery is highly doubtful. He would further submit that the petitioner was on bail during trial and he has not misused the liberty granted to him and apart from that, there are several arguable points, whereas the appeal is of year 2026 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that it is a case of murder for gain. The petitioner who is the resident of the opposite house of the deceased taking advantage of the same the accused trespassed into the house and committed murder for gain. Further the blood stained weapons and dress of the petitioner were recovered from the house of the petitioner and as per the serology report the blood group found in the material objects seized in the house of the petitioner tallied with the blood group of the deceased and therefore the respondent police has proved the case and thereby the trial Court has rightly convicted the accused. Hence, he would vehemently oppose for grant of bail to the petitioner.



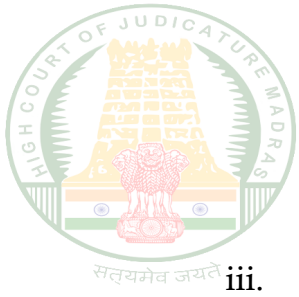
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7. Heard the learned counsel on either side and perused the materials available on record.

8. It is an application for suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we find that there are several arguable points and we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

9. Accordingly, the Criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.
- ii. 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 passbook to ensure their identity.



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- iii. The petitioner shall stay at Villupuram and report before the Inspector of Police, B-1 Town Police Station, Villupuram, daily at 10.30 a.m., until further orders.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

[A.D.J.C., J.] [R.P., J.]
01.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur
2. The Inspector of Police
Sivakasi Taluk Police Station
Virudhunagar District
3. The Inspector of Police,
B-1 Town Police Station, Villupuram



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