

CRL.MP(MD)No.3489 of 2026

in

CRL.A(MD)No.230 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

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in

CRL.A(MD)No.230 of 2026

Tex Aravindh

... Petitioner

vs.

State of Tamil Nadu rep by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.16 of 2016)

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed by the learned Sessions Judge, Mahila Fast Track Court, Sivagangai, in S.C.No.40 of 2023 dated 12.12.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.SMA.Jinna

For Respondent : Mr.C.Christopher,

Government Advocate(Crl.Side)



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ORDER

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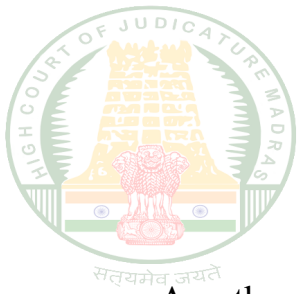
[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Seeking to suspend the sentence imposed on the petitioner/Sole Accused by the learned Sessions Judge, Mahila Fast Track Court, Sivagangai, in S.C.No. 40 of 2023 dated 12.12.2025, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
376 IPC	To undergo 7 years rigorous imprisonment	Rs.5,000/- in default to undergo one year rigorous imprisonment
302 IPC	Life imprisonment	Rs.5,000/- in default to undergo one year rigorous imprisonment

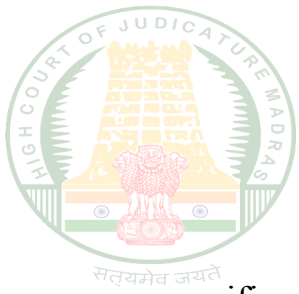
3. The case of the prosecution is that on 06.01.2016, when the petitioner was riding his two wheeler bearing registration No.TN-63-AZ-0407, a 35 year old woman namely, Vadivukalai, had asked the petitioner as to whether she could hitchhike with him. The petitioner on identifying that she was wearing jewels, had permitted her. On the way, he had spoken to her and they had shared their respective mobile numbers. The petitioner dropped her near the Government Hospital, Avudayarkovil. Thereafter, on the same day at 05.00 p.m., the petitioner had contacted the deceased and asked her to come near the



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Aranthangi Bus Stand and volunteered to drop her at her home and picked up her in his two wheeler. On the way, in order to rob her jewels, the petitioner had taken her inside the forest area near Nemmeni, Sirukanalayam lake, where the petitioner had raped her, murdered her, removed her jewels and later in order to screen the evidence, he threw the body of the deceased into the said lake. Thereafter, the petitioner attempted to sell the earrings and the chain of the deceased in S.K. Jewellery, Avudayarkovil, where the chain was found to be a covering and hence, he received only Rs.5,000/- for the earrings. Later, the body of the deceased was recovered on 15.01.2016. Based on the complaint of the VAO, initially, a case in Crime No.16/2016 was registered under Section 174 Cr.P.C. Thereafter, the accused had surrendered before the VAO and given confession statement. Pursuant to the same, the FIR was altered into Sections 376, 302, 397 of IPC.

4. The learned counsel appearing for the petitioner would submit that it is a case of circumstantial evidence. Other than the alleged confession said to have been given by the petitioner/accused, there is no incriminating material to connect the petitioner to the crime. He further submitted that though the deceased is said to be missing from 15.01.2016, it is strange that the father of the deceased had not given any complaint to the police. Further, it is the



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specific case of the prosecution that the petitioner had contacted the deceased through the mobile phone and asked her to come to a place near the Aranthangi Bus Stand. However, no legal proof has been shown that the petitioner had contacted the deceased. Further, there is no evidence to show that the petitioner had committed rape. Even the alleged jewels said to be worn by the deceased, were also not identified by the relatives of the deceased. When the chain of circumstances have not been proved beyond reasonable doubt, the trial Court has erred in convicting the petitioner. The learned counsel also submitted that the petitioner has got a good case on merits and there are several arguable points in the appeal. Hence, he would seek for suspension of sentence to the petitioner.

5. The respondent has filed a counter affidavit. Mr.Christopher, learned Government Advocate(Criminal Side) appearing for the respondent would submit that it is a case of murder for gain. The petitioner, in order to rob the jewels of the deceased, had taken her to a secluded place, where he had raped her, murdered her and taken her jewels. In order to screen the evidence, the petitioner threw the body of the deceased into a lake. He further submitted that the petitioner has also got three previous cases pending against him. Thus, he would object for the grant of suspension of sentence.



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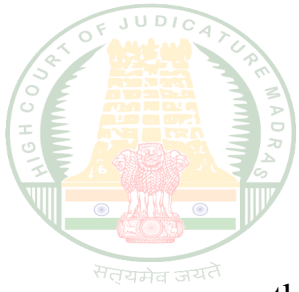
6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into consideration the submission of the learned counsel for the petitioner and the fact that there are several arguable points in the appeal which is also not likely to be taken up for final disposal in the near future, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner herein alone 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 learned Sessions Judge, Mahila Fast Track Court, Sivagangai.

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



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their identity.

iii. The petitioner shall report before the trial Court on the first working day of every month at 10.30 a.m., until further orders.

[A.D.J.C., J.] [R.P., J.]
27.07.2026

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To:

1. The Sessions Judge,
Mahila Fast Track Court,
Sivagangai.

2. The Superintendent,
Central Prison,
Trichy.

3. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

4. The Government Advocate(Crl.Side),
Madurai Bench of Madras High Court,
Madurai.



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ORDER MADE IN
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