

CrL.M.P.(MD) No.5347 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2026

CORAM

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

**CRL.MP(MD) No.5347 of 2026
in
Crl.A(MD)No.312 of 2026**

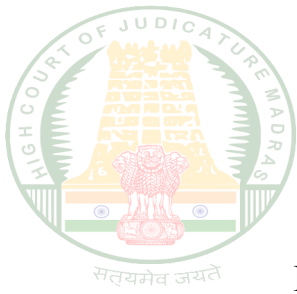
Manikandan : Petitioner/Appellant/Sole Accused

Vs.

State of Tamil Nadu
Rep. By The Inspector of Police,
Koodalpuhur Police Station,
Madurai District.

(In Cr.No.1043 of 2016) : Respondent/Respondent/Complainant

PRAYER: Petitions filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner/appellant/Sole accused in SC No.111 of 2017, dated 29/10/2025 on the file of the VI Additional District and Sessions Judge, Madurai and to enlarge him on bail till the disposal of the appeal.



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For Petitioner

: Mr.S.G.L.Rishwanth

For Respondent

: Mr.C.Christopher
Counsel for State of Tamil Nadu (Crl. side)

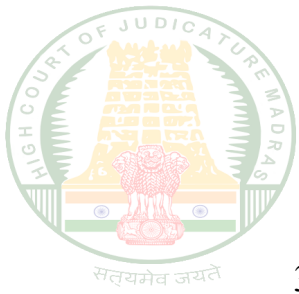
ORDER

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

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in SC No.111 of 2017, dated 29/10/2025 passed by the VI Additional District and Sessions Judge, Madurai and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner stands convicted and sentenced as under:-

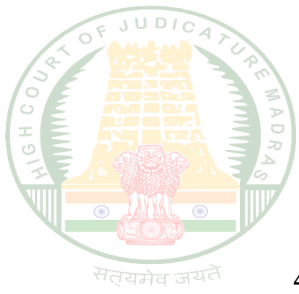
Section of Law	Sentence of imprisonment	Fine amount
449 IPC	10 years SI	Rs.5,000/-, in default to undergo 6 months SI.
397 IPC	7 years SI	Rs.5,000/-, in default to undergo 6 months SI.
302 IPC	Life imprisonment	Rs.5,000/-, in default to undergo 6 months SI.



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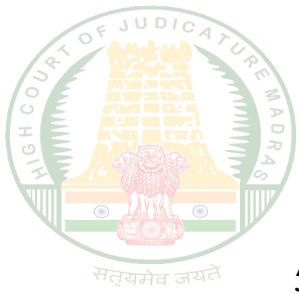
3.The case of the prosecution is that the accused trespassed into the house of the deceased and committed the murder and robbed her jewels and Samsung mobile phone. Based on the complaint given by the daughter of the deceased, initially, a case in Crime No.1043 of 2016 was registered by the respondent police for the offences under Sections 457, 380 r/w 302 IPC. The respondent police, after completion of the investigation, filed the final report before the Judicial Magistrate No.IV, Madurai, in PRC No.126 of 2016 for the offences under Sections 449, 397 r/w 302 IPC. After the appearance of the accused, copies were served under Section 207 Cr.P.C. Thereafter, the case was committed to the VI Additional District and Sessions Judge, Madurai, and the case was taken up for trial in S.C.No.111 of 2017. On the side of the prosecution, PW1 to PW28 were examined, and Exs.P1 to Ex.P25 and M.O.1 to M.O.12 were marked. On the side of the defence, no oral or documentary evidence was adduced. When the accused was questioned under Section 313 Cr.P.C., the accused denied the charges. After hearing both sides, the trial Court convicted the accused for the offences punishable under Sections 449, 397, and 302 IPC, as stated above. Challenging the same, the present criminal appeal has been filed.



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4.The learned counsel appearing for the petitioner would submit that it is a case based on circumstantial evidence and the prosecution has failed to prove the chain of circumstances beyond reasonable doubt. Though PW7 and PW8 are said to be the list witnesses regarding the last seen theory, they have not supported the case of the prosecution and have been treated as hostile witnesses. The prosecution has relied upon the evidence of PW11, the Village Administrative Officer to prove the recovery of the alleged stolen articles MO6, MO7, MO8 and MO9 and further to prove that the confession was recorded from the accused on 01/09/2016. However, the admitted evidence of PW1, the daughter of the deceased is that the accused was found in the police station on the next day of the occurrence, i.e., 31/08/2016 and that the jewels were identified in the police station. Thereby, the same creates doubt regarding the arrest, recovery, and confession. Under these circumstances, the learned trial Court has erred in convicting the petitioner. He further submitted that the petitioner has no other case against him and that he has been in custody from 29/10/2025. Hence, there are arguable points involved in the matter and therefore, he prays for allowing this petition.



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5.The respondent has filed a detailed counter. The learned counsel for the State of Tamil Nadu (Criminal side) appearing for the respondent Police would submit that though PW7 and PW8 do not support the case of the prosecution, the other witnesses namely PW10 and PW21 have seen the petitioner coming out of the house of the deceased and they have deposed about the petitioner regularly collecting donations from them. Therefore, the trial Court has rightly convicted the petitioner and he thereby prays for dismissing this petition.

6.Considering the period of incarceration suffered by the petitioners and considering that there are several arguable points and that the likelihood of the appeal being taken up for final hearing in the near future is also not probable, we are of the opinion that this is a fit case for the grant of suspension of sentence to the petitioners. 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:



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i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned VI Additional District and Sessions Judge, Madurai.

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.

iii. **The petitioner shall stay at Villipuram and and sign before the Villipuram Town Police Station daily at 10.00 am until further orders.**

[A.D.J.C., J.] [R.P., J.]
06.07.2026

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Copy to

1. The VI Additional District and Sessions Judge,
Madurai.



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2.The Inspector of Police
Koodalpathur Police Station,
Madurai District.

3.The Central Prison, Madurai.



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