

CrL.M.P.(MD) No.6676 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**

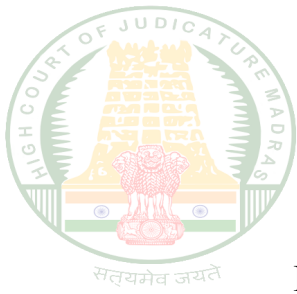
**CRL.MP(MD) No.6676 of 2026
in
Crl.A(MD)No.373 of 2026**

Prakash : Petitioner/Appellant/A6

Vs.

State of Tamil Nadu
Rep. By The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(In Crime No.285 of 2021) : Respondent/Respondent/Complainant

PRAYER: Petitions filed under Section 389(1) Cr.P.C r/w 430(1) BNSS to
suspend the sentence passed by the judgment dated 20/02/2026 in SC No.
207 of 2021 on the file of the Additional District and Sessions Judge,
Dindigul pending disposal of the criminal appeal.



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For Petitioner

: Mr.AK.Azagar Sami

For Respondent

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

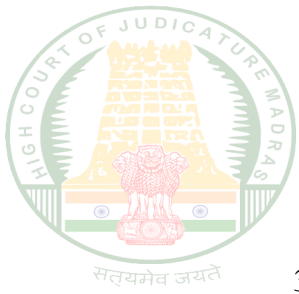
ORDER

[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.207 of 2021, dated 20/02/2026 passed by the Additional District and Sessions Court, Dindigul, 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
302 r/w 149 IPC	Life imprisonment	Rs.10,000/-, in default to undergo 6 months SI
148 IPC	Two years RI	-
342 IPC	One year RI	-



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3.The case of the prosecution is that A1 had a love affair with the daughter of one Ganesan, who is a friend of the deceased Murugesan. The deceased is said to have reprimanded A1 for his conduct. In view of the same, there was previous enmity and on 11/04/2021 at about 8.00 p.m., the accused persons, numbering nine, are said to have unlawfully assembled and attacked the deceased with deadly weapons, which resulted in the instantaneous death of the deceased. Based on the complaint, an FIR came to be registered in Crime No.285 of 2021. The respondent, after completing the investigation, filed a final report in PRC No.44 of 2021 on the file of the Judicial Magistrate No.1, Dindigul. Later, the case was committed to the Additional District and Sessions Court, Dindigul and the case was taken on file in S.C No.207 of 2021. There are a total of nine accused persons in this case and the petitioner is A6. A1 had died during the pendency of the trial, and hence, the charges against him got abated. On the side of the prosecution, PW1 to PW16 were examined, Exs.P1 to P28 were marked, and MO1 to MO19 were produced. On the side of the defence, no oral or documentary evidence was adduced and 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



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petitioner/A6 for the offences punishable under Sections 302 read with 149, 148, and 342 IPC as stated above. Challenging the same, the present criminal appeal has been filed.

4.The main ground that was urged by the learned counsel for the petitioner/A6 is that PW1, who is the son-in-law of the deceased is the only eye-witness examined on the side of the prosecution and as per his evidence, specific overt acts have been attributed to A1 to A5, whereas, in so far as the petitioner/A6 is concerned, he had only threatened the deceased with a beer bottle. The learned counsel further submitted that there is a wide discrepancy between the ocular evidence and the medical evidence and that the similarly placed accused persons namely A7, A8 and A9 have been granted suspension of sentence by this Court, by order, dated **22.06.2026** in CrI.M.P.(MD) Nos.9156, 6283 and 5604 of 2026.

5.Per contra, the learned Counsel for the State of Tamil Nadu (Cr. Side) appearing on behalf of the respondent, relied on the counter affidavit filed and submitted that the evidence of PW1 clearly explains the manner in which the entire incident took place and even if no specific



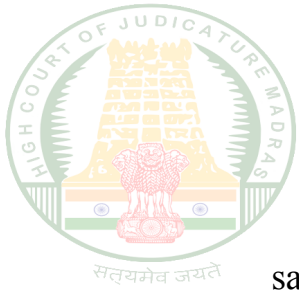
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overt acts has been attributed to the petitioner that he formed a part of the unlawful assembly along with the other accused and that therefore, he has been roped in under Section 302 IPC read with Section 149 of IPC. In view of the same, it is contended that the trial Court has properly appreciated the evidence and arrived at the conclusion of guilt. The learned counsel, on instructions, submitted that there are no previous cases against the petitioner.

6.Taking into consideration the facts and circumstances of the case and considering the grounds that have been raised on behalf of the petitioner and as there are no previous cases against the petitioner and further considering that the similarly placed accused have been granted suspension of sentence by this Court, this 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) each with two sureties, each for a like sum to the



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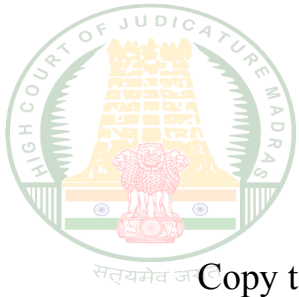
satisfaction of the learned Additional District and Sessions
Judge, Dindigul.

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 appear and sign before the trial
Court at 10.30 am, on the first working day of every English
Calender month, till the disposal of the Criminal Appeal.

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

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- 1.The Additional District and Sessions Judge, Dindigul.
- 2.The Inspector of Police,
Dindigul Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Central Prison, Madurai.



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