



CrI.MP(MD)No.8762 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.8762 of 2026
in CrI.A.(MD)No.481 of 2026

Sivalingam

... Petitioner

Vs.

The State of Tamil Nadu Rep by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No.71 of 2018.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed by the Additional District and Sessions Judge, Pudukkottai by its judgment dated 06.03.2026 in S.C.No.11 of 2019 pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Bala Sundaram,
Senior Counsel,
for M/S.KBS Law Office

For Respondent : Mr.A.Robinson,
Government Advocate (CrI. Side)



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ORDER

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The petitioner, who is sole accused in S.C.No.11 of 2019, on the file of the learned Additional District and Sessions Judge, Pudukkottai, was found guilty by the trial Court and was convicted and sentenced as under:-

Sl. No	Sections	Punishment	Fine amount	Default
1	304(I) IPC	10 years RI	Rs.2,000/-	6 months SI
2	357(1) Cr.P.C.		Compensation of Rs.2,00,000/-	

As against the conviction and sentence imposed by the trial Court in S.C.No.11 of 2019, dated 06.03.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.481 of 2026 and the same was admitted by this Court on 24.04.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The case of the prosecution is that due to civil dispute, the accused brutally attacked the deceased and caused his death. Hence, the case.



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3.1.The learned Senior Counsel for the petitioner submits that this is a case based on the evidence of eye witnesses. All the eye witnesses, namely, P.Ws.1 to 4, are close relatives of the deceased. P.W.1 is the wife, P.W.2 is the daughter, P.W.3 is the son-in-law and P.W.4 is another daughter of the deceased. Though they claim to be eye witnesses to the occurrence and the complaint was lodged immediately after the occurrence, which took place on 29.09.2018 at 4.00 p.m., the First Information Report registered in Crime No.71 of 2018 reached the jurisdictional Judicial Magistrate Court only on 30.09.2018 at 4.00 p.m. According to the learned Senior Counsel, there is an inordinate delay of 24 hours in the FIR reaching the Court.

3.2.The learned Senior Counsel, by referring to the evidence of P.W.1, further submits that though the case in Crime No.71 of 2018 was registered on the complaint of P.W.1, P.W.1, in her evidence, has stated that the complaint was obtained from P.W.2, Velliammal, the daughter of the deceased. She has also stated that another complaint was obtained from P.W.3, Rangasamy, the son-in-law of the deceased. Therefore, according to the learned Senior Counsel, separate complaints had been received from



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P.Ws.2 and 3, but those complaints have been suppressed, and ultimately the case was registered only on the complaint of P.W.1. Hence, according to him, the delay in the FIR reaching the Court assumes significance.

3.3.The learned Senior Counsel further submits that the place of occurrence is also doubtful. P.W.3, in his evidence, has stated that the deceased was found beneath a palm tree. However, as per the Observation Mahazar and the Rough Sketch, the body was found in a channel. Therefore, according to the learned Senior Counsel, there is a material contradiction regarding the place of occurrence. He also submits that the arrest of the accused and the alleged recovery have not been proved by the prosecution. Therefore, he seeks bail to the petitioner.

4.The learned Government Advocate, on the other hand, submits that the occurrence took place on 29.09.2018 at about 2.00 p.m. and the First Information Report was registered at 4.00 p.m. on the very same day based on the complaint given by P.W.1. He submits that P.W.1 is only a village woman and, without properly understanding the questions put to her during cross-examination, she stated as though the complaint had been obtained from P.Ws.2 and 3. According to the learned Government



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Advocate, this minor contradiction cannot be a ground to disbelieve the prosecution case. The learned Government Advocate further submits that the petitioner had a motive against the deceased and attacked him with a deadly weapon, causing four injuries. However, taking into consideration that the occurrence arose out of a sudden quarrel in connection with a civil dispute, the trial Court convicted the petitioner under Section 304(1) IPC and imposed a lesser sentence. Therefore, according to the learned Government Advocate, this is not a fit case for grant of bail pending appeal.

5.This Court has considered the rival submissions made on either side and also perused the materials placed on record.

6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



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7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Pudukkottai.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall stay at Thiruppur and report before the Inspector of Police, Central Police Station, Thiruppur City daily at 10.30 a.m., until further orders.

(iv) The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future and that the petitioner will not visit occurrence place or disturb the witnesses/P.Ws.1 to 4 pending appeal.



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(v)In the event, if the petitioner has violated any of

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the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

28.07.2026

gns

To

1.The Additional District and Sessions Judge,
Pudukkottai.

2.The Inspector of Police,
Karaipur Police Station,
Pudukkottai District.

3.The Inspector of Police,
Central Police Station,
Thiruppur City

4.The Superintendent,
Central Prison,
Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

gns

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