

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-07-2026

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

Crl.M.P(MD) No.8997 of 2026

in Crl.A(MD) No.493 of 2026

1.Muthukumar

2.Balamurugan

Petitioners

Vs

State of Tamilnadu,
Represented by the Inspector of Police,
Odaipatti Police Station
Theni District
Crime No.106/2013.

Respondent

For Petitioner:

Mr.Gopalakrishna Lakshmana Raju
for Mr.S.G.L.Rishwanth

For Respondent(s):

Mr.C.Christopher
Counsel for the State of TN (Crl.Side)

Prayer:

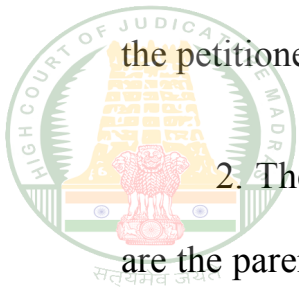
C-60.To suspend the sentence imposed on the petitioners/appellants/Accused No.1 and 4 in S.C.No.88/2019 dated 22.04.2026 on the file of the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni and enlarge the them on bail till the disposal of the appeal.

ORDER

(Order of the Court was made by the Hon'ble A.D.Jagadish Chandira J.)

This petition has been filed seeking to suspend the sentence imposed on the petitioners/A1 and A4 by the learned Sessions Judge, Mahalir Neethimandram, Fast Track

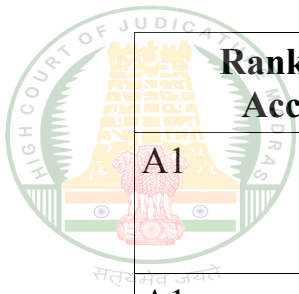
Mahila Court, Theni, in S.C.No.88 of 2019, by judgment dated 22.04.2026 and to enlarge



the petitioners on bail.

2. The case of the prosecution is that A2 to A4 are the brothers of A1, A5 and A6 are the parents of A1. The marriage took place between A1 and the victim Anulakshmi on 23.05.2012 and at the time of marriage, 50 sovereigns of jewels and household articles to the value of Rs.3,00,000/- were given by the said Anulakshmi's parents as Sridhanam. Thereafter, the accused persons demanded an additional 20 sovereigns of gold from Anulakshmi's parents. Pursuant to the demand, on 10.06.2013, the father of Anulakshmi gave Rs.20,000/- to A1 and Anulakshmi. Even thereafter, the accused persons continued to demand further dowry. The said Anulakshmi had quarrelled with her husband/A1 over the alleged affair between him and the wife of A4, namely, Anitha. Therefore, the accused persons conspired together to kill Anulakshmi and in furtherance of the conspiracy, on 04.09.2013 at 10.00 a.m., A1, A4 and A6 went to the house of A1; A6 stood outside to watch whether any person was coming, while A1 and A4 went inside the house and strangulated the neck of Anulakshmi with a towel and had murdered her. Only to screen the offence, they hanged the deceased Anulakshmi in the ceiling fan using a saree. Pursuant to this incident, an FIR came to be registered in Crime No.106 of 2013 and on completion of the investigation, a Police report came to be filed before the Trial Court against the said accused persons for the offences under Sections 120(b), 302 and 201 of IPC.

3. The Trial Court, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the prosecution had proved its case beyond reasonable doubt and hence convicted and sentenced the petitioners in the following manner:



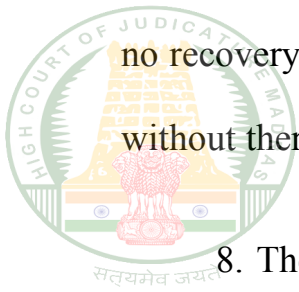
Rank of the Accused	Section of law	Sentence of imprisonment
A1	498(A) of IPC	Two years Simple Imprisonment and to pay a fine of Rs.1000/- in default to undergo six months Simple Imprisonment
A1	Section 4 of Dowry Prohibition Act	One year Simple Imprisonment and to pay a fine of Rs.1000/- in default to undergo three months Simple Imprisonment
A1 and A4	Section 302 of IPC	Life Imprisonment and to pay a fine of Rs.2000/- in default to undergo one year Rigorous Imprisonment
A1 and A4	Section 201 of IPC	Three years Rigorous Imprisonment and to pay a fine of Rs.2000/- in default to undergo three months Rigorous Imprisonment

4. The above sentences were ordered to run concurrently. Aggrieved by the above judgment, the Criminal Appeal has been filed before this Court along with this petition.

5. Heard the learned counsel for the petitioner and the learned Counsel for the State of TN appearing on behalf of the respondent.

6. When the matter came up for hearing on 30.06.2026, the learned counsel for the petitioners prayed not to press the petition in respect of the first petitioner/A1 and made an endorsement to that effect in the Court bundle. Accordingly, this Criminal Miscellaneous Petition is dismissed as not pressed in respect of the first petitioner/A1.

7. The learned Senior Counsel appearing for the second petitioner/A4 would submit that the second petitioner/A4 is the elder brother of A1 and was living separately. There is absolutely no evidence to show that the second petitioner was present at the house of A1 on the day of occurrence, the learned Trial Judge has erroneously held that there is no evidence to exclude the presence of the second petitioner/A4 along with A1 and A6 and thereby convicted the second petitioner/A4 also. He would further submit that there was

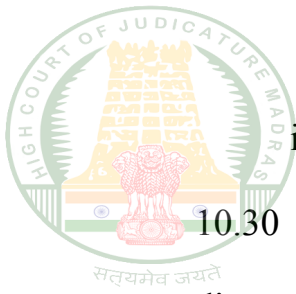


no recovery from the second petitioner. The second petitioner was unnecessarily without there being any incriminating evidence.

8. The learned Counsel for the State of TN appearing on behalf of the respondent has filed a counter and by relying on the same, would submit that the second petitioner is the elder brother of A1. The petitioners, along with their brothers and parents, had committed the murder of the said Anulakshmi. Hence, he vehemently opposed to the grant of suspension of sentence for the second petitioner/A4.

9. Taking into consideration the facts and circumstances of the case and considering the issue that has been raised in the present criminal appeal, this Court finds that there are several arguable points in the present Criminal Appeal. Further, taking into consideration the fact that the petitioner is suffering incarceration since April 2026 and that it will take some more time for this Court to take up the criminal appeal for final hearing, this Court is inclined to suspend the sentence imposed on the second petitioner. Accordingly, the Criminal Miscellaneous Petition is partly allowed and the substantive sentence of imprisonment alone imposed on the second petitioner herein is suspended, subject to the following conditions:

- i. The second 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, Mahalir Neethimandram, Fast Track Mahila Court, Theni.
- 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 second petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calendar month, till the disposal of the Criminal Appeal.

(A.D.JAGADISH CHANDIRA J.) (R.POORNIMA J.)
21-07-2026

Indu

To

1.The Sessions Court, Mahalir Neethimandram, Fast Track Mahila Court, Theni.

2.The Inspector Of Police,
Odaipatti Police Station
Theni District

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