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CRL MP(MD) No. 9884



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2026

CORAM

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

**CRL MP(MD) No.9884 of 2026
in
Crl.A(MD)No.572 of 2026**

Santhosh @ Santhosam

..... Petitioner

Vs

The Inspector of Police
Avaniyapuram Police Station,
Madurai District
Crime No.717 of 2012

....Respondent

Prayer: Petition filed under Section 430(1) of B.N.S.S to suspend the sentence passed by the judgment dated 21.04.2026 in S.C. No.10 of 2021 on the file of the District and Sessions Court, Karur and enlarge the appellant on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.Abudu Kumar Rajarathinam, Senior Counsel
for Mr.M.K. Azagarsami

For Respondent : Mr.G.Karuppasamy Pandian
Counsel for State of Tamil Nadu(Crl.Side)

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

Seeking to suspend the sentence imposed on the petitioner by the District and Sessions Court, Karur, vide judgment dated 21.04.2026 in SC No.10 of 2021 the present Criminal Miscellaneous petitions have been filed.

2. The petitioner stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
S.120(b) of IPC	Life imprisonment	Rs.3,00,000/- i/d to undergo four years simple imprisonment
S.3(b) of Explosives Substance Act	Life imprisonment	Rs.3,00,000/- i/d to undergo four years simple imprisonment
S. 341 r/w.120(b) of IPC (7 counts)	Life imprisonment	Rs.400/- i/d to undergo four days simple imprisonment
S. 302 r/w.120(b) of IPC (7 counts)	Life imprisonment	Rs.3,00,000/- i/d to undergo four years simple imprisonment
S. 307 r/w.120(b) of IPC (13 counts)	Ten years Rigorous imprisonment	Rs.50,000/- i/d to undergo 2 ¹ / ₂ years simple imprisonment
S.3(1) of TNPPDL Act r/w.120(b) of IPC	Five years Rigorous imprisonment	Rs.20,000/- i/d to undergo one year and three months simple imprisonment
S. 4 of TNPPDL Act r/w.120(b) of IPC	Ten years Rigorous imprisonment	Rs.20,000/- i/d to undergo 2 ¹ / ₂ years simple imprisonment
S.212 of IPC	Five years Rigorous imprisonment	Rs.5,000/- i/d to undergo one year simple imprisonment



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3. The case of the prosecution is that on 30.12.2012 at about 20.30 hours the respondent police received an information from the Government Rajaji Hospital, Madurai and on the basis of the said information the respondent police rushed to the hospital and obtained statement from one of the injured namely M.Senthilkumar, Son of Nagaraj. In the said complaint statement the M.Senthilkumar has stated that under the leadership of one Senthilrajan (who belongs to his village), himself and 14 other members went to Pasumpon via a TATA Sumo car bearing Reg. No. TN 22 AC 6224 and after attending the Gurupooja festival they were returning to their village and on their way back, whilst they were near the Vellammal Hospital about five person threw stones and country made bombs on their car. All the persons in the car suffered burn injuries. Further, he stated that one Raja, who had followed the car in his two wheeler and whom also belongs to his village informed the incident to one Dhayalan and they helped them and admitted in the hospital. Due to the incident seven persons died and 13 persons got injured. Based on the aforesaid complaint statement, a case has been registered in Crime No. 717 of 2012 for the offences under Sections 147, 148, 341, 307 of IPC r/w. Section 3 & 4 of Indian Explosives Act, 1908 and Sections 4 & 5 of Tamil Nadu Prevention of Public Property Damages and Loss Act, 2002. During the course of investigation it came to light that the accused inorder to take revenge for the murder of persons belonging to their community and to retaliate for the



damage caused to their community leader's statue had conspired and pursuant to the same, committed the offence.

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4. The respondent police after completion of investigation filed a final report before the learned Judicial Magistrate No. VI, Madurai and thereby the same was taken on file in PRC No. 45 of 2013 and was committed to Additional District and Sessions Judge, Madurai in SC No.361 of 2014 . Thereafter, as per the orders of this Court, the case was transferred to District and Sessions Judge, Karur and was taken for trial in SC No. 10 of 2021. On the side of the prosecution, P.W.1 to P.W.49 were examined and Ex.P.1 to Ex.P.94 and M.O.1 to M.O.43 were marked. When the accused was questioned under Section 313 of Cr.P.C., he denied all charges. On the side of the accused no witness was examined but two documents were marked.. After hearing both sides the trial Court convicted accused as stated above. Challenging the same, the above mentioned criminal appeal has been filed.

5. The learned Senior Counsel appearing for the petitioner/A11 would submit the petitioner/A11 is a practising advocate and since he had been appearing for people from the downtrodden community including the accused in the instant case in their various cases he has been falsely roped in the instant case based on the statement recorded from P.W. 34 as if the petitioner conspired with A1/main accused to commit the offence. The police have projected as if the accused have



committed the murder as revenge against the deceased who belong to rival community for having caused damage to the statue of their community leader. As per the prosecution the petitioner is said to have conspired with A1 on 08.08.2012 to commit the offence and the next conspiracy is said to be on 30.12.2012 to harbour the accused after the occurrence and P.W.34 is projected as witness to both the conspiracies. Though two criminal conspiracies are put forth by the prosecution, no charge has been framed as against the petitioner/A11 in respect of the alleged criminal conspiracy on 08.08.2012. According to the learned Senior Counsel, the subsequent criminal conspiracy wherein the petitioner is said to have met with A1 after the occurrence at 9.30 pm., only for the purpose of harbouring the other accused. Though P.W.34 has stated to have been a witness to both the criminal conspiracies, the statement of P.W.34 has been recorded only on 22.01.2013 which is nearly after five months from the alleged criminal conspiracy. The learned Senior Counsel would urge that P.W.34 has been belatedly introduced as an afterthought only for the purpose of roping in the petitioner/A11 as an accused in the instant case. Further, the alleged statement which has been recorded on 22.01.2023 has also reached the Court only on 08.07.2013 which is also nearly after six months from the date on which the statement was first recorded. According to him, this creates a grave doubt with regards to the evidence of P.W.34. Moreso, there is absolutely no evidence to show that the petitioner was present at the scene of occurrence.



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6. The Learned Senior Counsel would further submit that the petitioner/A11 was on anticipatory bail during the trial and that the petitioner/A11 has not misused the liberty granted to him. Apart from that, the learned senior counsel urged that there were several other arguable points and that since the appeal is of the year 2026, the likelihood of the appeal being taken up for final hearing in the near future is also not probable and hence, he would pray for grant of suspension of sentence to the petitioner.

7. Similarly, the learned senior counsel submitted that whilst it is not a case involving a financial crime, the trial Court has erroneously imposed a fine of Rs.33,45,400/- on the petitioner. In this regard he placed reliance on *Satyendra Kumar Mehra .vs. State of Jharkhand [(2018) 15 SCC 139]* and would submit that this Court while hearing petition for suspension of sentence under Section 389 CrPC/Section 430 BNSS has got powers for suspending the payment of fine amount. Thereby he prayed for suspension of fine imposed on the petitioner.

8. The respondent has filed a detailed counter and by placing reliance on the counter he would submit that it is a case of retaliatory offence where seven youngsters were killed and 13 persons were grievously injured. In order to take revenge for murder of persons belonging to their community and to retaliate for the



damages caused to their community leader the petitioner conspired with A1 and pursuance to the conspiracy along with other accused committed the offence. He would further submit that there is a case pending against the petitioner for the offence under Section 506(ii) of IPC and thereby he would vehemently oppose for the grant of suspension of sentence to the petitioner.

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

10. The petitioner/A11 has been roped in the instant case for criminal conspiracy. P.W.34, is the sole witness who has been examined by the prosecution to prove the criminal conspiracy that took place on 08.08.2012 and 30.12.2012. Though P.W.34 is said to be aware of the incident, on the very same day his statement is however said to be recorded by the respondent police on 22.01.2013 and further the statement has reached the Court only on 08.07.2013. It is an application for suspension of sentence and hence, we would not propose to delve deep into the evidence at this stage. Having gone through the records, we find that there are several arguable points in the appeal and thereby, we are of the opinion that it is a fit case for grant of suspension to the petitioner/A11 who is implicated for conspiracy and who was also said to be not present at the place of occurrence.



11. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment and the fine amount 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) with two sureties, each for a like sum to the satisfaction of the District and Sessions Court, Karur
- 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 Chennai and report before the Inspector of Police, B-2, Esplanade Police Station, Chennai daily at 10.30 a.m., till the disposal of the appeal

[A.D.J.C., J.] [B.M., J.]
11.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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1. The District and Sessions Court, Karur

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

3. The Inspector of Police
B-2, Esplanade Police Station,
Chennai

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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