



*Crl.M.P.(MD)No.12103 of 2026
in Crl.A.(MD)No.716 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12103 of 2026

in Crl.A.(MD)No.716 of 2026

C.Lakshmanan

... Petitioner

versus

The State of Tamil Nadu,
represented by its
the Inspector of Police,
South Gate Police Station,
Madurai District.

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence and grant bail to the appellant accused No.4 against the judgment in SC.No.261 of 2021 on the file of the Additional Chief Judicial Magistrate, Madurai dated 05.06.2026 and in Crime No.970 of 2020 on the file of the respondent police pending disposal of the criminal appeal.

For Petitioner : Mr.Sathish Rajkumar.E

For Respondent : Mr.A.Robinson,
Government Advocate



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ORDER

The petitioner is accused No.4 in S.C.No.261 of 2021 on the file of the learned Additional Chief Judicial Magistrate, Madurai. The petitioner was prosecuted along with three others that they have caused grievous injury to one Nandhagopal PW6. The trial Court, by its judgment dated 05.06.2026, found the petitioner guilty and sentenced and convicted him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	341 IPC	One month imprisonment	Rs.500/-	One week simple imprisonment
2.	307 IPC	10 years Rigorous imprisonment	Rs.500/-	9 months simple imprisonment

Challenging the judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.716 of 2026 and the same was admitted by this Court on 25.06.2026. Along with the appeal, the petitioner has filed this petition to suspend the sentence imposed by the trial Court.

2.The learned counsel appearing for the petitioner submits the injured



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PW6 sustained left posterior occipital injury due to the attack by the accused.

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This overt act is attributed as against all the accused and the prosecution has been laid as against this petitioner as if this petitioner has caused injury. This petitioner is said to have attacked with iron rod on the shoulder of PW6, however, there is no corresponding injury on him. Further four weapons aruval, knife and iorn rod are said to have been recovered from accused No.1. For this recovery the prosecution has examined PW4, but he did not support the case of the prosecution and therefore, the very recovery from the accused No.1 is also not established by the prosecution and they have not corroborated through the doctor on the possibility of causing injuries with those weapons. Therefore, he prays for grant of bail.

3.The learned Government Counsel submits that all the accused have repeatedly attacked the victim and caused injury near the brain. The prosecution has produced the doctor and he pointed out the injury sustained by the victim is possible through the weapons recovered from the accused. Merely because PW4 turned hostile, it cannot be stated that there is no recovery. He further submits that there is a strong motive between the petitioner and the injured PW6, since PW6 alleged to have murdered the friend of this petitioner and therefore, in



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retaliation this offence has been committed. Apart from this the petitioner has also involved in three other case.

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4. This Court considered the rival submissions made.

5.The Criminal Appeal filed by the petitioner was admitted by this Court.

The petitioner has raised certain arguable points, which can be considered only during the final hearing. However, the appeal could not be taken up immediately for final hearing. The petitioner is in jail from the date of conviction. Considering the period of incarceration, the overt as against the petitioner, the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition with certain conditions considering the objections raised by learned government counsel.

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 executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Additional Judicial Magistrate, Madurai. One of the sureties must be a



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government servant.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, pending the appeal.

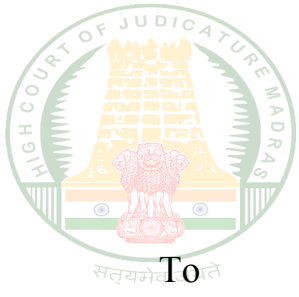
(iii) The petitioner shall report before the trial court daily at 10.30am.

(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

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To
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- 1.The Additional Chief Judicial Magistrate,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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