



CRL MP(MD) NO. 16045 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2026

CORAM

THE HONOURABLE MR.JUSTICE S.KARTHIKEYAN

CRL MP(MD) NO. 16045 of 2026

in

CRL A(MD)No.148 of 2023

Kalirajan @ Kali

Petitioner(s)

Vs

1.The State of Tamil Nadu Rep. By,
The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.

2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
Crime No.204/2014

Respondent(s)

For Petitioner(s):

Mr.C.Saravanakumar

For Respondent(s):

Mr.G.Ganesh Kumar

Government Advocate (Crl. Side)

Prayer:

To suspend the sentence imposed in S.C.No.25 of 2020 dated 25.01.2023 on the file of the learned II Additional District and Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi (FAC) and enlarge the petitioner/appellant on bail, pending disposal of the Criminal Appeal.



ORDER

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The petitioner has come up with the present application seeking to suspend the sentence imposed on the petitioner by the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi (FAC) in S.C.No.25 of 2020 dated 25.01.2023 and grant bail.

2. The petitioner/appellant is arrayed as Second Accused. The petitioner/appellant was charged for the offences punishable under Sections 386, 307 r/w 34, 506(ii), 294(b) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v)(a), 3(2)(v) of the SC/ST (POA) Act. The Special Court, after trial, found the petitioner guilty of the offences punishable under Section 307 r/w Section 34 of IPC and found not guilty of the offences punishable under Sections 386, 506(2), 294(b) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v)(a), 3(2)(v) of the SC/ST (POA) Act. The petitioner was convicted and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment for the offences punishable under Section 307 r/w Section 34 of IPC. The petitioner has preferred the present appeal and sought for suspension of sentence and bail.



3. The learned counsel for the petitioner/appellant submitted that the petitioner along with other Accused are said to have attacked the victim/P.W.2 on 30.04.2014 and he was admitted in the hospital on 01.05.2014. He was discharged from the hospital on 14.05.2014. Though the victim has gained consciousness within two days, the Accused were identified only after six months. There is absolutely no reason cited by the prosecution as to why six months delay has occurred for identifying the Accused. The injured is a literate and even assuming that he is not in a position to speak, the police could have asked him to write the names of the Accused. But, no such investigation was done by the prosecution. The petitioner was on bail during trial and taken custody on the date of judgment of the Trial Court. The petitioner has already completed four years of service, nearly half of the sentence imposed by the Trial Court. Considering the above said fact, this Court granted bail to the co-accused in CrI.M.P.(MD).No.4899 of 2025, by order dated 16.02.2026. He further submitted that the petitioner has paid the fine amount as ordered by the Special Court and prays for suspension of sentence and bail to the petitioner/appellant.

4. Per contra, the learned Government Advocate (CrI. Side) appearing for the respondent Police submitted that the petitioner herein and other Accused conspired together and attacked P.W.2 with deadly weapons, thereby caused serious injuries to him. Though the injured gained consciousness within two days, he was not in a position to speak for about six months. Though he was discharged within 14 days, the injured was taken to Chennai and was in treatment at Chennai



for about six months. The prosecution has produced all the relevant materials before the Special Court and after considering the same, the Special Court has convicted this petitioner and other Co-Accused for the offences punishable under Sections 307 r/w 34 of IPC and sentenced them to undergo seven years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment. Hence, he strongly opposed to grant suspension of sentence and bail to the petitioner/appellant.

5. This Court has given its thoughtful consideration to the rival submissions put forth on either side.

6. On careful perusal of records, it is found that the petitioner herein and other Co-Accused are said to have attacked P.W.2 and thereby, caused serious injuries. Based on the complaint given by the father of the injured, P.W.1, the present case came to be registered as against unknown persons. As submitted by the learned counsel for the petitioner, though the injured has gained consciousness within two days, the prosecution was not in a position to identify the Accused for about six months. Absolutely, there is no explanation on the side of the prosecution for the said delay. The injured is a literate and they could have examined him by asking him to write the manner in which the occurrence was committed. The prosecution is silent about whether such an exercise was done or not. Hence, there appears to be a *prima facie* case in favour of the petitioner/appellant.



7. Apart from that, the learned counsel for the petitioner/appellant has brought to the notice of this Court that the petitioner/appellant was on bail during the trial and was taken custody on the date of the judgment of the Special Court, i.e., on 25.01.2023. The petitioner has already served almost half of the sentence imposed by the Special Court. Considering the said position, the Co-Accused was also granted bail by this Court in CrI.M.P.(MD).No.4899 of 2025 dated 16.02.2026. Therefore, this Court is inclined to suspend the sentence imposed by the Special Court and grant bail to the petitioner/appellant.

8. Accordingly, this Criminal Miscellaneous Petition is allowed and 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the II Additional District and Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi (FAC);
- 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 Pass Book to ensure their identity;



iii. The petitioner shall appear before the Trial Court, daily at 10.30 a.m.,
until further orders.

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On violation of any of the above conditions by the petitioner, the respondent
police shall move an application for cancellation of the bail.

17.08.2026
(S.K.,J.)

Lm

To

1.The II Additional District and Sessions Judge,
Special Court for Trial of cases under SC/ST (POA) Act,
Thoothukudi.

2.The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.

3.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

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

5.The Central Prison,
Palayamkottai.



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S.KARTHIKEYAN, J.

Lm

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