

CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrIMP(MD)No.13791 of 2026
in
CrIA(MD)No.807 of 2026

Nishanth

...Petitioner

Vs

The State rep by
the Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in SC.No.54 of 2022 dated 24.06.2026 on the file of the Sessions Judge, Fast Track Mahila, Sivagangai, pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Aju Tagore

For Respondent : Mr.V.Shathurthi Raja

Government Advocate (CrI Side)



CrIMP(MD)No.13791 of 2026
in CrIa(MD)No.801 of 2026

ORDER

WEB COPY

The petitioner is accused No.1 in SC.No.54 of 2022 on the file of the Fast Track Mahila Court, Sivagangai. The petitioner was prosecuted along with other accused for the offence under Sections 448 IPC and 324 IPC. By judgment dated 24.06.2026, the petitioner was found guilty convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of three months and to undergo three years rigorous imprisonment with a fine of Rs.1,000/- and in default to pay the fine amount to undergo three months simple imprisonment. Challenging the judgment of conviction and sentence, the petitioner has filed an appeal in CrI.A.(MD)No.807 of 2026 and the same was admitted by this Court on 14.07.2026. This petition is filed by the petitioner seeking to suspend the sentence imposed by the trial Court pending the appeal. Since the petitioner has been convicted for a period of three years, the trial court has suspended the sentence till 23.07.2026. When the petition was listed for hearing on 14.07.2026, the learned Government Advocate requested time and therefore, the matter was adjourned.

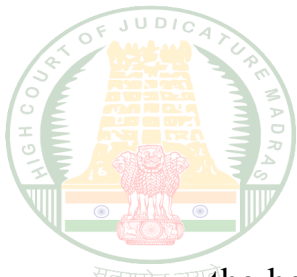


CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

WEB COPY

2.The learned counsel for the petitioner submits that since this court has taken cognizance of the matter, the petitioner has not surrendered before the trial court. According to him, the case is a foisted one and the place of occurrence has not been proved in this case. The occurrence had taken place in the house on 26.12.2020, however, the complaint was lodged only on the next day with a delay of 24 hours and this delay has not been explained. There is no recovery of blood stained clothes or blood stained earth from the place of occurrence. He further submits that the petitioner is having a good case and therefore, he seeks bail to the petitioner.

3.The learned Government Advocate appearing for the respondent submits that the petitioner and other accused have assaulted the defacto complainant and others. The defacto complainant had suffered cut injury and fracture. The case was originally registered for the offence under Section 307 IPC, however, considering the contradictions among the statements of the witnesses, the trial court found him guilty for the offence under Section 324 IPC. He further submits that the occurrence had taken place in the house and the defacto complainant was taken to



CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

WEB COPY

the hospital, from where information was given to the respondent police and thereafter, they recorded the complaint at hospital and registered the case. Therefore, there is no delay. After registering the case, proper enquiry was conducted, the petitioner was prosecuted and convicted by the trial court. Therefore, he opposes bail to the petitioner.

4. This court has considered the rival submissions made.

5. The petitioner has been punished for the offence under Section 324 IPC with period of 3 years rigorous imprisonment. 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 want of time. Considering the period of incarceration and the appeal could not be taken up immediately for hearing, this court is inclined to inclined to allow this petition.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:



CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

WEB COPY

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila, Sivagangai,

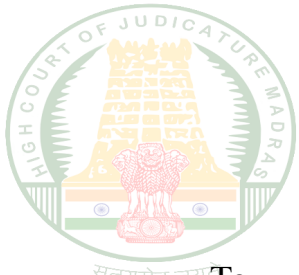
(ii) The petitioner shall report before the Mahila Court, Sivagangai daily at 10.30am.

(iii) 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.

28.07.2026

DSK



CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

To
WEB COPY

1. The Sessions Judge,
Mahila Court,
Sivagangai.
2. The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

Copy to

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



WEB COPY



CrIMP(MD)No.13791 of 2026
in CrIA(MD)No.801 of 2026

B.PUGALENDHI.J.,

DSK

CrIMP(MD)No.13791 of 2026
in
CrIA(MD)No.807 of 2026

28.07.2026