



CRL MP(MD). No.13913 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.13913 of 2026

in

CRL A(MD)No.809 of 2026

1. Rani
2. Irulayi

... Petitioners

Vs

The State of Tamilnadu Rep by
The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai District.
(Crime No.519 of 2015)

... Respondent

Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed upon the Appellants in S.C.No.216 of 2016 by judgment dated 25.06.2025 on the file of the learned Sessions Judge, Mahila Court, Madurai and enlarge the petitioners on bail pending disposal of the Criminal Appeal.

For Petitioners : Mrs.S.Ragaventhre

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. side)



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ORDER

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The petitioners, the accused Nos.1 and 2 in S.C.No.216 of 2016 on the file of the learned Sessions Judge, Mahila Court, Madurai, were prosecuted for the offence under Section 306 IPC that they have abused the deceased in filthy language and unable to bear the same, the deceased committed suicide by pouring kerosene. The trial Court, by its Judgment dated 25.06.2025, found the petitioners guilty for the offence under Section 306 IPC and convicted and sentenced them as under:

Accused Rank	Sections	Punishment	Fine amount	Default
A1	306 IPC	3 years RI	Rs.500/-	One month SI
A2	306 IPC	3 years RI	Rs.500/-	One month SI

Challenging the same, the petitioners have filed this Criminal Appeal before this Court in CrI.A.(MD)No.809 of 2026 and the same has been admitted by this Court on 15.07.2026. Along with the appeal, the petitioners have moved this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioners submits that the petitioners and the deceased are members of a self-help group. The 1st accused is the leader of the self-help group. The deceased had failed to repay the loan amount in time and the same was questioned by the 1st accused and therefore, the deceased had committed suicide. The learned counsel, by referring to the Judgment of the Hon'ble Supreme Court in ***Mahendra Awase vs. The State of Madhya Pradesh, dated 17.01.2025***, submits that mere uttering the words 'go and die' would not attract an offence under Section 306 IPC. In this case, the trial court, without considering the nature of offence, has mechanically convicted the petitioners under Section 306 IPC. The learned counsel has also pointed out that there was a delay in reporting the incident. However, the trial Court has convicted the petitioners based on the dying declaration.

3. The learned Government Advocate (Crl. Side) submits that the petitioners have abused the defacto complainant in filthy language and therefore, the deceased had committed suicide. She further submits that a dying declaration has been recorded from the deceased. According to her, there are enough materials as against the petitioners.



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4. This Court considered the rival submissions made.

5. The deceased had committed suicide by pouring kerosene. As per the prosecution, the deceased suffered 100% burn injuries. The case has been prosecuted based on the dying declaration. Whether the deceased would be in a fit state of mind to give the dying declaration or not, is a matter for consideration in the appeal. The appeal could not be taken up for final hearing immediately for want of time. It is further submitted that the trial Court, while convicting the petitioners, has suspended the sentence till 25.07.2026.

6. Considering the facts and circumstances of the case, the nature of offence and also considering the fact that the appeal could not be taken up for final hearing immediately for want of time, this Court is inclined to suspend the sentence imposed by the trial Court upon the petitioners with certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are



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ordered to be enlarged on bail on the following conditions:

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(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Madurai District.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioners shall report before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

(iv) If the petitioners violate any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

17.07.2026

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To

1. The learned Sessions Judge,
Mahila Court,
Madurai District.
2. The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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