



CRL.MP(MD)No.14484 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE B.MURUGESAN

CRL.MP(MD)No.14484 of 2026
in
CRL.A(MD)No.1273 of 2025

Ponselvi

... Petitioner

Vs.

State of Tamil Nadu,
Rep.by the Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District
In Cr.No.68 of 2016.

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS to suspend the execution of sentence by granting bail in SC No.694 of 2017 dated 12.11.2025 on the file of the learned Additional District and Sessions Judge (FTC), Tenkasi District till the disposal of the criminal appeal.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Prabhu

For Respondent : Mr.G.Karuppasamy Pandiyan,
Counsel for State of TN (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 learned learned Additional District and Sessions Judge (FTC), Tenkasi District in SC No.694 of 2017 dated 12.11.2025, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	Life imprisonment	Rs.10,000/- in default to undergo one year simple imprisonment
201 r/w.302 of IPC	Seven years simple imprisonment	Rs.10,000/- in default to undergo six months simple imprisonment

3.The case of the prosecution is that the deceased, Santhosh is a Government School Teacher and was residing with his wife/PW.1 and children at Ramachandrapattinam main road. The petitioner/A1 and the deceased were previously residing in the same residential compound and were well acquainted with each other. The further case of the prosecution is that the while the husband of the petitioner was employed abroad, the deceased had developed intimacy with the petitioner and was persistently insisting that she should sever her family and live with him separately. As the petitioner was unwilling to



accede to his demands and apprehended that arrival of her husband from abroad, she decided to eliminate the deceased. Pursuant thereto A1 along with A2 and A3 entered into a plan to administer poison to the deceased. In furtherance of the said plan, a pit was dug in the backyard of the petitioner's house a few days prior to the occurrence. Further, on 06.02.2016, the petitioner brought the deceased to her residence in her car, where brandy mixed with Monocrotophos (Monosil) an organophosphorus insecticide was given to him. After consuming the poisoned liquor the deceased succumbed inside the petitioner's house. Thereafter, with the assistance of A2 and A3, the petitioner buried the dead body of the deceased within the compound of her house in order to screen the murder and cause disappearance of the evidence. Initially, a case was registered as 'Man Missing' on the complaint of PW.1. During the investigation, pursuant to the extra judicial confession given by A2 and the consequential recovery proceedings, the dead body of the deceased was exhumed from the backyard of the petitioner's house and thereby the case was altered to the offences under Sections 120(B), 364,302 and 201 of IPC.

4. The respondent police after completion of investigation filed a final report before the learned Judicial Magistrate, Tenkasi and thereby the same was taken on file in PRC No. 31 of 2017 and was committed to Principal District



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and Sessions Court, Theni. Thereafter, the case was made over to the learned Additional District and Sessions Judge (FTC), Tenkasi District and was taken for trial in SC No. 694 of 2017. On the side of the prosecution, P.W.1 to P.W. 32 were examined and Ex. P.1 to Ex. P.49 and M.O.1 to M.O.11 were marked. When the accused was questioned under Section 313 of Cr.P.C., he denied all the charges. On the side of the accused no witness was examined and no 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 would submit that the trial Court having disbelieved the motive, last seen theory and the conspiracy angle had erred in convicting the appellant based on the other circumstances and recovery of the body of the deceased. He would further submit that the body of the deceased was recovered from the backyard of the joint family house of the accused. He would further submit that the witnesses for the recovery proceedings also turned hostile and have not supported the case of prosecution. Further, A2 and A3 have been granted bail by this Court and this petitioner being similarly placed is also entitled for grant of suspension of sentence. He would further submit that the petitioner was on bail during the



trial and that the petitioner has not misused the liberty granted to him. Apart from that, the learned counsel urged that there are several other arguable points and that since the appeal is of the year 2025, 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.

6.The respondent has filed a detailed counter and by placing reliance on the counter the learned counsel for the respondent would submit that the petitioner has developed an intimacy with the deceased. The deceased has warned her that she should sever her relationship with her husband and join him. Since her husband was about to return from abroad, the petitioner had hatched a criminal conspiracy with her brother and father and pursuant to which the petitioner invited the deceased to her house and offered liquor laced with poison to deceased of which he had consumed and passed away. Later, all the accused have also joined hands together to bury the body of the deceased. Thus, he would object for the grant of suspension of sentence.

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



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8. The trial Court relying on the recovery has convicted the petitioner.

Further, A2 and A3 who are similarly placed has been granted bail by this Court in Crl. M.P (MD) No. 20195 of 2025 dated 18.12.2025. 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.

9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner herein alone 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 learned Judicial Magistrate, Tenkasi

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.



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iii. The petitioner shall report before the trial Court on the first working day of every English Calendar Month at 10.30 am., till the disposal of the appeal.

[A.D.J.C., J.] [B.M., J.]
17.08.2026

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To

1.The Additional District and Sessions Judge (FTC), Tenkasi District

2.The Superintendent,
Central Prison (women),
Madurai.

3.The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District

4.The Government Advocate(Crl.Side),
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
B.MURUGESAN, J.

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CRL.MP(MD)No.14484 of 2026
in
CRL.A(MD)No.1065 of 2024

12.08.2026