

Crl.M.P.(MD) Nos.1463 & 8535 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CRL.MP(MD) Nos.1463 & 8535 of 2026
in
Crl.A(MD)Nos.112 & 833 of 2026**

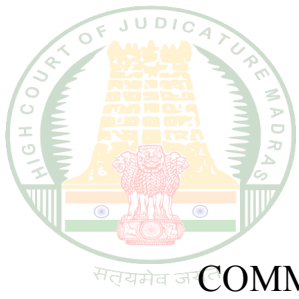
Prabhu Petitioner in CRL.MP(MD) No.1463 of 2026

Puvaneswaran Petitioner in CRL.MP(MD) No.8535 of 2026

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police
Rayyappanpatti Police Station
Theni District.
Crime No.76/2023.

..... Respondent in both petitions



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COMMON PRAYER : Petitions filed under Section 430 (1) of BNSS to suspend the sentence imposed on the petitioners/Appellants by the judgment in S.C.No.122 of 2023 dated 28.04.2025 by the Additional District Judge, Fast Track Court, Theni District and enlarge the petitioners on bail pending disposal of the above criminal appeals.

For Petitioner in CRL.MP(MD) No.1463 of 2026 : Mr.R.Udhayakumar

For Petitioner in CRL.MP(MD) No.8535 of 2026 : Mr.M.Mohamed Rafi

For Respondent in both petitions : Mr.C.Christopher

Counsel for State of Tamil Nadu (Crl. side)

COMMON ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioners by the Additional District Judge, Fast Track Court, Theni, vide Judgment dated 28.04.2025 in S.C.No.122 of 2023, they have filed these Criminal Miscellaneous Petitions.



2. The petitioners stand convicted and sentenced as under:

Accused	Section of Law	Sentence of imprisonment	Fine amount
A2 & A6	364(A) r/w.120(b) IPC	Life Imprisonment	Rs.1,000/- i/d to undergo one week simple Imprisonment
A2	342 IPC	One year simple imprisonment	-
A2	304 IPC	Ten years rigorous imprisonment	-

3. The case of the prosecution is that the accused A1 to A6 who are all friends, entered into a conspiracy to kidnap a businessman, namely, Athisayam @ Anthereyar Athisayam/ victim for ransom. Pursuant to which on 14.03.2023, while the victim was coming in his two wheeler, the accused waylaid and kidnapped him in a car and they have assaulted and intimidated him. Later, finding the Police following their car, the accused had pushed the victim from the car resulting in the victim sustaining injuries in the knee, left leg, right hand and shoulders. The victim was rescued and admitted as an inpatient in the Theni Government



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Hospital till 15.03.2023 and thereafter, was shifted to Preethi Hospital, Madurai on 16.03.2023 where he took treatment till 28.03.2023. Thereafter, the victim was shifted to PSG Hospital, Coimbatore, where later due to complications the victim passed away on 07.04.2023.

4. The respondent police after completion of the investigation, filed the final report before the Judicial Magistrate Court, Uthamapalayam in PRC No.30 of 2023 and after the appearance of the accused , the copies were served under Section 207 Cr.PC. Thereafter, the case was committed to the Additional District Judge (Fast Track Court) Theni and the case was taken up for trial in SC.No.122 of 2023. On the side of the prosecution, PW1 to PW33 were examined and Ex.P1 to Ex.P67 and M.O.1 to M.O.13 were marked. On the side of the defence, no witness was examined but Ex.D1 to Ex.D7 were marked and when the accused were questioned under Section 317 Cr.P.C., and the accused denied the charges. After hearing both sides, the trial Court convicted the accused for the offences punishable under Sections 364(A) r/w.120(b), 342 and 304 IPC. Challenging the same, the present criminal appeals have been filed.



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5. Mr.R.Udhayakumar, learned counsel appearing for the petitioner/A2 in Crl.M.P(MD)No.1463 of 2026 would submit that the victim suffered minor injuries only and later he died due to an amputation of his leg on account of complications from diabetes. The incident happened on 14.03.2023 and the victim died only after the said amputation, on 07.04.2023. Strangely, despite, the victim taking treatment for several days in the hospital, no statement was recorded by the respondent police.

6. He would further submit that this Court in respect of A4 and A5 has granted bail in the Crl.MP(MD)No.7396 of 2025, dated 04.12.2025 and Crl.MP(MD)No.9093 of 2025 dated 16.12.2025. The case of the petitioner is also similarly placed as that of the other accused. Hence, he prayed for grant of suspension of sentence to the petitioner/A2.

7. Mr.M.Mohammed Rafi, learned counsel appearing for the petitioner/A6 in Crl.MP(MD)No.8535 of 2025 would submit that this is a second application for suspension of sentence. During the hearing of the



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earlier application the grant of suspension of sentence to the other co-accused was not brought to the knowledge of this Court and hence, this Court had dismissed the first application for suspension of sentence.

8. He would further submit that the petitioner/A6 is similarly placed as that of the other accused who have been granted suspension of sentence. The petitioner is in custody since 28.04.2025 and further the appeal is of the year 2025 and therefore, the likelihood of the appeal being taken up for final hearing in the near future is also not probable. Hence, he prayed for grant of suspension of sentence to the petitioner/A6.

9. Mr.C.Christopher, learned counsel for the State of Tamil Nadu appearing for the respondent would submit that it is a case of kidnap for ransom. On seeing the police, the accused pushed the victim from the car resulting in the victim sustaining injuries and after prolonged treatment, the victim died on 07.04.2023. The trial Court rightly appreciating the evidence on record has convicted the accused, and he would object for grant of suspension of sentence to the petitioners and thereby, he would vehemently oppose for grant of bail to the petitioners.



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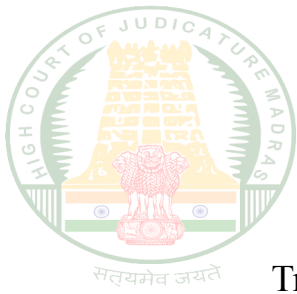
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10. Heard the learned counsel on either side and perused the materials available on record.

11. Considering the period of incarceration suffered by the petitioners/A2 & A6 and considering that there are several arguable points, and the likelihood of the appeal being taken up for final hearing in the near future is also not probable, we are inclined to grant the relief. Further, taking into consideration the fact that A3 and A4 have already been granted suspension of sentence by this Court, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.

12. Accordingly, the Criminal Miscellaneous Petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge, Fast



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Track Court, Theni.

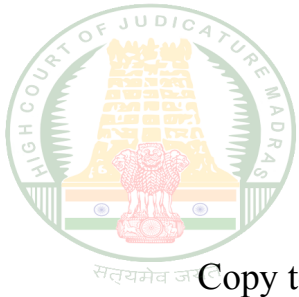
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ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioners shall appear and sign before the learned Additional District Judge, Fast Track Court, Theni, on the first working day of every English calender month at 10.30 a.m., till the disposal of the Criminal Appeal.

[A.D.J.C., J.] [R.P., J.]
01.07.2026

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1. The Additional District Judge,
Fast Track Court, Theni, Theni District.
2. The Inspector of Police
Rayyappanpatti Police Station
Theni District.



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