



CRL.M.P.(MD)No. 13568 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

HON'BLE MR.JUSTICE C.V.KARTHIKEYAN  
AND  
HON'BLE MS.JUSTICE R.POORNIMA

CRL.M.P.(MD)No. 13568 of 2023  
in  
CRL.A.(MD)No.874 of 2023

S.PERUMAL

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE  
VIRUVEEDU POLICE STATION, VIRUVEEDU,  
DINDIGUL DISTRICT.  
(IN CRIME NO.75/2019).

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner in SC No.20/2020 dt.4/9/2023 on the file of District Sessions Court, Dindigul and enlarge the petitioner on bail pending disposal of the main appeal.

PRAYER IN CRL.A.(MD)No.874 of 2023:

To call for the records in S.C.No.20 of 2020 on the file of the District and Sessiond Court, Dindigul and set aside the Judgment dated 04.09.2023 and allow this appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of



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MR.N.ANANDAPADMANABAN, Senior Counsel for M/S.D.VENKATESH, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The sole accused in S.C. No.20 of 2020 on the file of the Principal Sessions Court, Dindigul, who had suffered an order of conviction by judgment dated 04.09.2023 for the offence punishable under sections 302 of IPC and had been sentenced to undergo life imprisonment and to pay a fine of Rs.20,000/- i/d to undergo six months rigorous imprisonment, has filed the present petitioner seeking to suspend the sentence.

2. The brief facts of the case is that the petitioner is the brother of the deceased. They have two other brothers. They also have two other sisters. It is contended that property was left behind by father to be partitioned among all the brothers and among his children. The deceased had necessity to seek share in the property since it is contended that he lost his one eye about a year back. Hence a suit was filed by his son for partition and separate possession. The son was working in Coimbatore. The deceased was also impleaded as a defendant. The prosecution had projected that demand for partition as the prime motive for the occurrence. The incident had taken place on 20.06.2019 at about 8.00 am., when P.W.1/wife of the deceased and the



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deceased were going to the bus stop at Nilakottai to meet their advocate. At that time , it is in evidence that P.W.1 witnessed the accused herein attacking indiscriminately her husband/ deceased which caused the instant death.

3. It is also contended on behalf of the respondent that it was also witnessed but from some distance away by P.W.2/son of the P.W.1 and by P.W.3/daughter-in-law of P.W.1 who had by chance come over from Coimbatore to meet the appellant/deceased and P.W.1.

4. The learned Senior Counsel on behalf of the petitioner stated that it was improbable to come to a conclusion that P.W.2 and P.W.3 could have come to the place at that time and had witnessed the occurrence.

5. Contentions were also raised regarding evidence of P.W.1 but we are not expressing any opinion on the same since that is an aspect which has to be examined only during the course of arguing the criminal appeal.

6. We are informed by the learned Additional Public Prosecutor that the petitioner was on bail during trial. It is also contended that P.W.1 is residing at

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Coimbatore. It is seen from records that the petitioner is quite an aged person and has been in incarceration for more than one year as on date.

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7. Taking into consideration all the facts and also considering the fact that as on the date there is no evident hostility among the family members, we are inclined to entertain this petition and to suspend the sentence imposed against the petitioner. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 04.09.2023 is suspended subject to the following conditions:-

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai

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

iii. The petitioner shall stay at Madurai and sign before the learned Principal District Judge, Madurai on the first working day of every English Calendar month at 10.30 AM until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-  
25/09/2024

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26/09/2024

Sub-Assistant Registrar (PA-I/ AD-I )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AAV

TO

1.THE JUDICIAL MAGISTRATE, NILAKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3.THE SUPERINTENDENT, CENTRAL PRISON , MADURAI.

4.THE INSPECTOR OF POLICE  
VIRUVEEDU POLICE STATION, VIRUVEEDU, DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO  
THE PRINCIPAL DISTRICT JUDGE, MADURAI

+1 CC to M/s.D.VENKATESH, Advocate ( SR-11799[I] dated 26/09/2024 )

ORDER IN  
CRL.M.P.(MD)No. 13568 of 2023  
in CRL.A.(MD)No.874 of 2023  
Date :25/09/2024

RK (26/09/2024) 5P / 8C

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