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CRL MP No. 4535 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

CRL MP No. 4535 of 2025 in

Crl.A.,No.1123 of 2024

Arunjunaimuthu @ Muthu
S/o.Shanmugavel, No.21/24,
Kandhasamy Street, Salamadu,
Ambathur, Salapuram, Chennai-600
054.

Petitioner(s)

Vs

State By Inspector Of Police
Komanackan Police Station, Tiruppur
Crime No. 37 Of 2020

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under section 430(1) of BNSS to suspend the sentence imposed on the petitioner in S.C.No. 127 of 2021 on the file of the Principal Sessions Judge, Tiruppur date 2.11.2022 and release the petitioner on bail pending disposal of the above criminal appeal and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render Justice.



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For Petitioner(s): J.Franklin

For Respondent(s): A. Damodaran,
Addl. Public Prosecutor
assisted by Mr.M.Karthikeyan

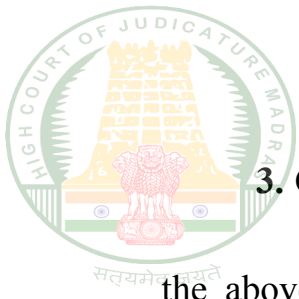
ORDER

(Order of the Court was made by M.S.Ramesh J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge, Tiruppur on 02.11.2022 in S.C.No.127 of 2021 and release him on bail pending disposal of the appeal.

2. The learned Principal Sessions Judge, Tiruppur in S.C.No.127 of 2021 by his judgment dated 02.11.2022, convicted the petitioner and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence imposed</i>
Accused	U/s.302 of IPC	To undergo LIFE IMPRISONMENT and to pay a fine of Rs.2,000/-, in default, to undergo RI for three months.
		Period of detention already undergone is ordered to be set off u/s.428 of Cr.P.C.



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3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal along with the present Criminal Miscellaneous Petition seeking suspension of sentence and enlarge him on bail pending disposal of the criminal appeal.

4. Heard Mr.J.Franklin, learned counsel appearing for the petitioner and Mr. A. Damodaran, learned Addl. Public Prosecutor assisted by Mr.M.Karthikeyan appearing for the respondent/Police.

5. It is the case of the prosecution that the deceased had earlier mocked and ridiculed the accused. Consequently on 23.02.2020 at about 03.45 p.m., the accused challenged the deceased and abused him in front of others, which lead to a quarrel. At this point, the accused pushed the deceased down and assaulted him indiscriminately with a rock, owing to which, the deceased died on the spot due to head injuries

6. The prosecution had projected PW1 to PW4 as eye witnesses to the occurrence. However, PW3 and PW4 were treated as hostile witnesses. As far as the oral testimonies of PW1 and PW2 are concerned, there appears to be



certain material contradictions. According to PW1, the occurrence had taken place around 3.45 p.m, while PW2 places the occurrence at around 2 p.m.

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Likewise, the rock which was alleged to be used by the accused to kill the deceased has been described as a hollow block by PW1, while PW2 terms it as a rock. This apart, the occurrence appears to have arisen out of a sudden wordy quarrel and there are also material contradictions between the evidence of PW1 and PW2 in respect of the weapon that was alleged to be used to assault the accused. On a *prima facie* view, the petitioner may have a good chance of success in the appeal, in the light of the material contradictions in the oral testimonies of PW1 and PW2.

7. We have taken into account that the accused is under incarceration for more than three years, and since the appeal may not be taken up for final disposal in the near future, we are inclined to suspend the sentence imposed on the petitioner pending disposal of the appeal.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruppur.

(ii) The petitioner and 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 pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

[M.S.R, J.]

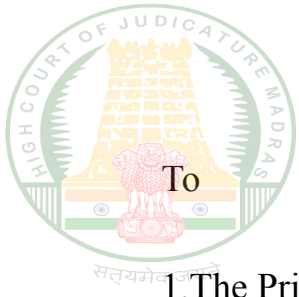
[V.L.N.,J.]

21.08.2025

Index: Yes/No

msr

Note: Issue Order Copy on 25.08.2025



To

1. The Principal Sessions Judge, Tiruppur.

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2. The Inspector of Police,
Komanaicken Police Station, Tiruppur.

3. The Superintendent of Police,
Central Prison, Coimbatore

4. The Public Prosecutor,
High Court,
Madras.



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