



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CRL MP No. 6394 of 2025 in
Crl.A.No.572 of 2023**

1. M.Murugan @ Muruganantham

2.G.Perumal @ Vairaperumal

Petitioner(s)

Vs

1. State Rep By

The Assistant Commissioner of Police,
Thiruppur South City,
Thiruppur District.

2.State Rep By

The Inspector of Police
North Police Station, Tiruppur.
Crime No.194 of 2018

3.NAGARAJAN

Respondent(s)

PRAYERPetition filed under Section 389 (1) of Cr.P.C.to suspend the sentence imposed on the petitioner in Spl.S.C.No.02 of 2019 passed by the learned Principal Sessions Court, Tiruppur by an order dated 10.10.2022 and enlarge the petitioners on bail pending disposal of the Criminal Appeal.



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For Petitioner(s): Mr.N.Manokaran
for Mr.V.Tamizhanban

For Respondent(s): Mr.A.Damodaran
Addl. Public Prosecutor
Assisted by M.Arifa
Thasneem, Advocate for R1 &
R2.
Mr.E.Chandrasekaran,
Legal Aid Counsel for R3.

ORDER

(Order of the Court was made by N.SATHISH KUMAR.J.,)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence and conviction made in the judgment dated 10.10.2022, in Spl.S.C.No.02 of 2019, on the file of the learned Principal Sessions Court, Tiruppur, pending disposal of the Criminal Appeal before this Court and enlarge the petitioners on bail.

2. Learned Principal Sessions Court, Tiruppur, in Spl.S.C.No.02 of 2019, had convicted and sentenced the petitioners as follows:

Rank of the Accused	Offence	Imprisonment	Fine
A1 & A2	302 IPC	Life Imprisonment each	Rs.2,000/- each in default to undergo



Rank of the Accused	Offence	Imprisonment	Fine
			Simple Imprisonment for three months.
A1 & A2	3(2)(v) of SC/ST (POA) Amendment Act, 2015	Life Imprisonment each	Rs.2,000/- each in default to undergo Simple Imprisonment for three months.

3. Challenging the above conviction and sentence, the petitioners have filed the present Criminal Appeal and seek suspension of sentence and bail in the present Miscellaneous Petition.

4. Learned counsel for the appellants / petitioners submitted that the though earlier petition seeking suspension of sentence was dismissed on 03.12.2024, the merits of the matter was not gone into and according to him, the evidence of PW1 & PW2 and the presence of the Eye witnesses is highly doubtful in the thorny bushes. It is his further contention that it is against the normal conduct of persons to hold such a meeting in thorny bushes to resolve the issue between the parties. The case of the prosecution is that the deceased had eloped with PW7, who was already married, which was the reason, he was



eliminated. The accused called the deceased and PW7 to settle the matter and they decided to have a meeting at a different place other than the house. This aspect creates serious doubt. Further, PW7 was said to have accompanied the deceased, which does not support the prosecution's case. It is further contended that though the occurrence was said to have taken place on 07.04.2018, FIR was registered on the same day, but it reached the Court on the very next day. This aspect creates serious doubt and the accused are in custody for more than three years.

4.1.He further submitted that there are arguable points available in the Criminal Appeal and that the appellant/petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellants / petitioners may be suspended. He also submitted that the appellants / petitioners are ready to abide by any condition imposed by this Court and prays for suspension of sentence for the petitioners.

5. The learned Additional Public Prosecutor appearing on behalf of



the respondents 1 & 2 filed the counter affidavit and objected granting of suspension of sentence to the petitioners.

6. The learned counsel for the de facto complainant/R3 submitted that the previous petition seeking suspension of sentence was dismissed on 03.12.2024 on merits. The second petition is not maintainable and objected granting of suspension of sentence to the petitioners.

7. We have heard the rival submissions and perused the entire materials available on record.

8. It is stated that the earlier petition was dismissed based on the evidence of the Eye Witnesses and merits of the matter was not gone into. Be that as it may, when other grounds have been raised in the present petition, we are of the view that on new grounds, there is no bar for the second petition. Accordingly, considering the submissions made on either side, we find that a *prima facie* case is made out and taking into account the fact that the Criminal



Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

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

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Court, Tiruppur;

(ii) The petitioners 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 petitioners shall appear before the trial Court on all working days at 10.30 a.m., until the disposal of the Criminal 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 of 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.



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(iv) On the failure of any of the above conditions by the petitioners / accused, it is open to the trial Court to commit the petitioners / accused into custody for undergoing the sentence.

(N.S.K.,J.)

(M.J.R.,J.)

19-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. State Rep By

The Assistant Commissioner of Police,

Thiruppur South City,

Thiruppur District.

2.State Rep By

The Inspector of Police

North Police Station, Tiruppur.

Crime No.194 of 2018.

3.The Principal Sessions Court,

Tiruppur.

4.The Superintendent,



Central Prison, Coimbatore.

5. The Superintendent,
Central Prison, Trichy.

6. The Public Prosecutor,
High Court, Madras.

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

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