



Crl.M.P.No.7626 of 2024
in Crl.A.No.567 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

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- 1.Nakkeeran
- 2.Govindaraj
- 3.Sivabooshanam
- 4.Pugazhendhi
- 5.Manavalan
- 6.Rajendiran
- 7.Kumaravel
- 8.Markandeyan
- 9.Sudhakar
- 10.Murali
- 11.Kanagaraj
- 12.Mohan
- 13.Sivanathan
- 14.Prabhu
- 15.Kaali @ Pasupathy



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16.Mani

17.Paari

18.Parthiban

19.Sabarinathan

20.Madhavan

... Petitioners/A1, A2, A4, A5, A6, A7, A8,

A9, A10, A12, A15, A16, A17, A18,

A19, A21, A22, A23, A24 & A26

Vs.

State By
The Inspector Of Police,
Thiruvennainallur Police Station
(Crime No.554 of 2025)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed in the judgment dated 23.04.2024 made in S.C.No.270 of 2017 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Villupuram and enlarge the petitioners on bail.

For Petitioners : Mr.N.R.Elango
senior counsel for
M/s.Aswin Prasanna

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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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 petitioners by the learned Additional District and Sessions Judge (Fast Track Court), Villupuram, on 23.04.2024 in S.C.No.270 of 2017 and enlarge them on bail.

2. It is a case of double murder. The prosecution has put forth several eye witnesses to the occurrence. Among the 26 accused, A3, A11, A13, A20 and A25 had expired pending trial and the rest of the accused, A1, A2, A4, A9 and A26 were convicted under Section 302 and the other accused were convicted under Section 302 IPC read with 149 IPC by the learned Additional District and Sessions Judge (Fast Tract Court), Villupuram and the details are as follows:

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A1, A2, A4, A5, A6, A7 and A26	Section 302 IPC	Life imprisonment and fine of Rs.50,000/- each, i/d S.I for one year
A19 and A26	Section 302 IPC	Life imprisonment and fine of Rs.50,000/- each, i/d S.I for one year
A5, A7 to A10, A12, A15 to A18 and A21	Section 302 IPC r/w Section 149 IPC	Life imprisonment and fine of Rs.50,000/- each, i/d S.I for one year



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to A24		
A1, A2, A4, A6 and A26	Section 307 IPC	Ten years R.I and fine of Rs.10,000/- each, i/d to undergo S.I for one year
A16 and A18	Section 326 IPC	Five years R.I and fine of Rs.10,000/- each, i/d to undergo S.I for one year
A1, A2, A4 to A10, A12, A15 to A19, A21 to A24 and A26	Section 148 IPC	Two years of rigorous imprisonment, each
A1, A2, A4 to A10, A12, A15 to A19, A21 to A24 and A26	Section 341 IPC	One month simple imprisonment
A7, A10, A12, A21 and A23	Section 324 IPC	Two years rigorous imprisonment, each
A22	Section 324 IPC	Two year rigorous imprisonment
A24	Section 324 IPC	Two years rigorous imprisonment

3. Challenging the above conviction and sentence, the petitioners/A1, A2, A4, A5, A6, A7, A8, A9, A10, A12, A15, A16, A17, A18, A19, A21, A22, A23, A24 & A26 have filed the above Criminal Appeal and they seek for suspension of sentence and bail in the present miscellaneous petition.

4. Learned senior counsel for the petitioners drew the attention of this Court to certain portions of the evidences let in before the Trial Court and submitted that there were materials to clearly establish that this was a



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case of group clash, where several of the accused, as well as the prosecution witnesses, were injured. He further submitted that there were counter complaints registered against the rival parties, which had not been properly explained by the prosecution, and therefore, such a lacuna would be fatal to the case of the prosecution.

5. We find some force in the submission of the learned senior counsel for the petitioners. From the evidences let in by the prosecution before the Trial Court, it is clear that there was a group clash between the accused and the prosecution witnesses and that several of the accused had also sustained injuries. It is also seen that counter complaints were registered in F.I.R.Nos.551, 552, 553, 554, 555, 556, 557 and 558 of 2025. All these aspects have also been admitted by the Investigating Officer in his oral testimony. However, it appears that the prosecution has failed to explain the final outcome of the logical conclusion of the counter complaints nor about the injuries on the accused persons. The non-explanation of the logical conclusion of the counter complaints may be detrimental to the prosecution's case and resultantly, the petitioners may



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have a fair chance of success in the main appeal.

6. It is also stated that most of the petitioners herein are senior citizens and have been incarcerated for more than a year. We are also conscious of the fact that the main appeal may not be taken up for final disposal in the near future and in view of the *pima facie* case recorded by us, we are inclined to suspend the sentence of the petitioners herein.

7. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioners herein is suspended till the disposal of the appeal and they are ordered to be enlarged on bail, on the following conditions:-

(i) The petitioners shall execute a separate bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the Judicial Magistrate No.II, Ulundurpet;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile



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numbers to ensure their identity; and

(iii) The petitioners 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.)

04.06.2025

Anu

Note: Issue order copy on 06 .06.2025



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

Anu

To

1.The Additional District and Sessions Judge (Fast Track Court),
Villupuram

2.The Judicial Magistrate No.II, Ulundurpet

3.The Inspector Of Police,
Thiruvennainallur Police Station

4.The Superintendent of Prison,
Central Prison, Cuddalore.

5.The Public Prosecutor,
High Court, Madras.

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