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Crl.M.P.Nos.5 & 7934 of 2024
in Crl.A.Nos.1 and 697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:

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

**Crl.M.P.Nos.5 & 7934 of 2024
in
Crl.A.Nos.1 and 697 of 2024**

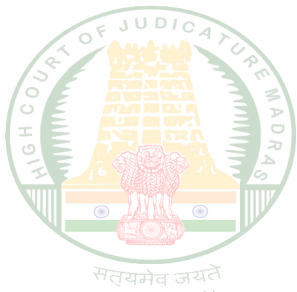
1. Arun
2. Aravind @ Kurangusamy ... Petitioner s in Crl.M.P.No.5
of 2024 /Accused Nos.1&2
Vijai @ Vijayakumar ... Petitioner in Crl.M.P.No.7934
of 2024 /Accused No.3

Vs.

The State, represented by
the Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore

... Respondent in both petitions

PRAYER: Criminal Miscellaneous Petition filed under Sections 374 & 389
(1) of the Criminal Procedure Code, praying to suspend the sentence
imposed on the petitioners by the learned I Additional District and Sessions
Judge, Coimbatore in SC.No.177 of 2017, dated 14.06.2023 pending



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disposal of the appeals and to release the petitioners on bail.

For Petitioners in
Crl.M.P.No.5/2024 : Mrs. N. Premalatha,
Legal Aid counsel

For Petitioner in
Crl.M.P.No.7934/2024 : Mr.V.Parthiban for
Mr.D.Arun

For Respondent in both
Petitions : Mr.A. Damodaran, APP
assisted by M.Arifa Thasneem

COMMON ORDER

(Order of the Court was delivered by M.S. RAMESH, J.)

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioners by the learned I Additional District and Sessions Judge, Coimbatore on 14.06.2023 in S.C.No.177 of 2017 and release them on bail pending disposal of the appeals.

2. The learned I Additional District and Sessions Judge, Coimbatore, in S.C.No.177 of 2017, has convicted the petitioners and sentenced them as follows:-



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<i>Accused</i>	<i>Offence</i>	<i>Sentence imposed</i>
A1 to A3	U/s.302 of IPC	Each to undergo Imprisonment for LIFE and to pay a fine of Rs.2000/- each , in default, to undergo SI for a period of six months each;
	U/s.449 IPC	Each to undergo 10 years RI and to pay a fine of Rs.2000/- each , in default, to undergo SI for a period of six months each;
	U/s.3(1) of TNPPDL Act	Each to undergo RI for 2 years each and to pay a fine of Rs.1000/- each, in default, to undergo SI for six months

The period of custody already undergone by A1, A2 and A3 respectively was ordered to be set off u/s.428 of Cr.P.C. The sentences of imprisonment imposed on the petitioners/A1 to A3 were ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeals along with the present Criminal Miscellaneous Petitions seeking suspension of sentence and enlarging them on bail pending disposal of the criminal appeals.

4. Heard Mrs.N. Premalatha, learned Legal Aid counsel appearing for the petitioners 1 and 2 in Crl.M.P.No.5 of 2024 and Mr.V.Parthiban, learned counsel appearing for petitioner in Crl.M.P.No.7934 of 2024 and Mr.A.



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Damodaran, learned Additional Public Prosecutor, appearing for the respondent/Police.

5. It is the case of the prosecution that on account of previous enmity between petitioners/A1 to A3 and one Sathishkumar, on 12.04.2016 the petitioners have conspired to murder Sathishkumar and in continuance thereof, on the same day, armed with knife and wooden logs, they trespassed into the house of Sathishkumar and with an intention of murdering him, A1 attacked him with a knife on his stomach, arm pit, followed by which, A3 also attacked him on his legs and hands with wooden log. Due to the attack, Sathiskumar sustained injuries and he died after 10 days after getting admitted in hospital for treatment.

6. The prosecution had projected PW1 who is the paternal uncle and PW2 who is the grand mother of the deceased as eye witnesses to the incident. While PW1 did not support the case of the prosecution, PW2 in her cross examination, had stated that some unknown persons had entered the scene of crime and attacked the deceased. The learned counsel appearing

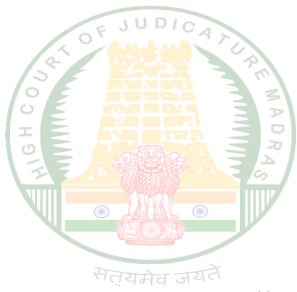


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for the accused Nos.1 and 2 would submit that since the deceased was conscious for almost 10 days and had voluntarily knocked down from the Government Hospital and got himself admitted in a private hospital and had also given statements to the concerned Doctors in both these hospitals, such statements could be treated as dying declaration. We find some force in her arguments. The Doctors- PW15 and PW17, during their cross examination, have categorically deposed that the deceased had informed them that he was attacked by four unknown persons.

7. There are three evidences before the trial court to show that the deceased and the accused knew each other. The trial court appears to have placed reliance predominantly on the evidence of PW2 while recording the guilt of the accused. In the light of the *prima facie* findings, such observations of the trial court may warrant interference. We have taken into account that the accused are under incarceration for more than two years, and since the appeals may not be taken up for final disposal in the near future, we are inclined to suspend the sentence imposed on the petitioners. Accordingly, the sentence imposed on the petitioners are hereby suspended



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pending disposal of the appeals and they are ordered to be enlarged on bail.

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11. Accordingly, these Criminal Miscellaneous Petitions stand **allowed** and the sentence imposed on the petitioners are suspended on the following conditions:-

(i) Each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each, each for a like sum to the satisfaction of the learned I Addl. District & Sessions Judge, Coimbatore.

(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 the first working day of every month at 10.30 a.m., until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make



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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.)

06.08.2025

Index: Yes/No

msr

Note: Issue Order Copy on 7.8.2025

To

1.The I Addl District and Sessions Judge,
Coimbatore.

2.The Inspector of Police,
All Women Police Station, Chengalpattu.

3.The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore

4. Mrs.N.Premalatha,
Advocate, No.1D, First Floor,
Seashell Apartment, Thiruvanmiyur,
Chennai 600 041

5.The Public Prosecutor,
High Court,
Madras.



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