



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-03-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 1288 of 2025

IN

CRL A(MD) NO. 770 OF 2023

Anbunithi

S/o. Anbazhagan, Ambethkar Nagar,

Sakkottai, Thanjavur District.

Now Confined at Central Prison, Trichy District. and another

Petitioner(s)

Vs

The State of Tamilnadu

Rep. by The Inspector of Police,

Nachiyarkoil Police Station,

Thanjavur District.

Crime No.12 of 2017.

Respondent(s)

For Petitioner(s):

G.Karuppasamy Pandian

for M/s. Joel Paul Antony.A

For Respondent(s):

Mr.E.Antony Sahaya Prabhar

Additional Public Prosecutor



WEB COPY

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The suspension of sentence is filed, in respect of A1 and A2 in S.C.No.50 of 2018 as sought in the miscellaneous petition pending the disposal of their appeal.

2.The learned counsel appearing for the petitioners submitted that in view of the love affair between the daughter of A4-Anbalagan with one Karuppasamy, disput between two families arose suspecting that the deceased Soundarapandian and his family members have suporting the said love affair. Fight between two groups eructed on 11.01.2017 at about 09.00 p.m., in which, Soundarapandian, S/o.Ponraj, sustained stab injuries and died.

3.The Trial Court held that all the accused are guilty for causing murder, since the prosecution has failed to explain the injury sustained by A4-Alagappan and the evidence of other witnesses that ther was commotion at the time of occurrence. The members of two groups fought with each other and exchanged the injuries. Based on the evidence attributed against A1, caused fatal injury on Soundarapandian as well as the evidence of P.W.1 and P.W.2 were sustained injury implicating A1 and A2 and another, the Trial Court has convicted all the accused viz., A1 to A5. However, while



WEB COPY

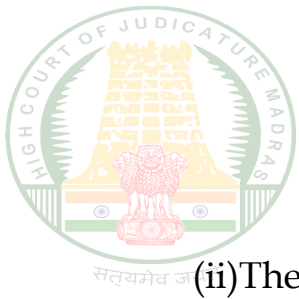
considering the application for suspension of sentence by this Court, the application was not pressed for A1 and A2 and the remaining accused persons were granted suspension of sentence on 24.07.2024 on certain conditions.

4.The learned counsel appearing for the petitioners would submit that since the petitioners are in prison for nearly two years and the bail not likely to be taken up immediately, seeks for suspension of sentence on parity with other accused persons.

5.Taking note of the fact that there is some material to consider the grounds of appeal, which indicates that there was free for all fight between two groups and the members of the assailant groups also had sustained injuries and the identity of the assailant who caused fatal injury of the deceased Soundarapandian is doubted in the appeal.

6.Considering the facts and circumstances of the appeal, the application for suspension of sentence is allowed and the substantive sentence of imprisonment alone imposed on the petitioners is suspended, subject to the following conditions:

- (i)The petitioners are directed to be enlarged on bail on executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge(Fast Track Court), Kumbakonam.



WEB COPY

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

(iii) The petitioners shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders. It is made clear that the petitioners shall not enter the jurisdictional limits of the respondent police station until further orders.

sd/-
04/03/2025

/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

Ns
TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE (FAST TRACK COURT),
KUMBAKONAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



3 THE INSPECTOR OF POLICE,
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL MP(MD) No.1288 of 2025
IN
CRL A(MD) NO. 770 OF 2023
Date :04/03/2025

NBF/SAR/ (04/03/2025) 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023