



CRL MP(MD) NO. 2668 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 2668 of 2025

in

CrI.A(MD)No.651 of 2024

Suyambulingam

.... Petitioner(s)

Vs

The Inspector of Police
Vilathikulam Police Station, Thoothukudi District.
Crime no.69 of 2018.

....Respondent(s)

Prayer: This petition is filed under Section 430(1) of BNSS, praying to enlarge the petitioner on bail by suspending the sentence imposed by the learned I Additional District and Sessions Judge, Thoothukudi District in SC No.172 of 2019 vide judgment dated 18.06.2024,

For Petitioner(s):

Mr.R.Anand

For Respondent(s): Mr.A.Thiruvadikumar

Additional Public Prosecutor



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ORDER

(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner/ A1 by the learned I Additional District and Sessions Judge, Thoothukudi District, vide Judgment dated 18.06.2024 in SC No.172 of 2019, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 r/w 34 of I.P.C.	To undergo Life imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

3.The case of the prosecution is that the deceased and the accused are friends. The deceased Marimuthu and some other youth people belonging to Eleven Star Cricket Club went tour to Kutralam in a vehicle, wherein the second accused stood up and danced, at that time, the deceased shouted hence, there was an enmity between the deceased and the second accused. While so, on 20.05.2018 in the morning when A1 and A2 were watching cricket match in the club, the deceased

<https://www.mhc.tn.gov.in/judis>



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came there and asked A1 and A2 as to why they came there, for which, they replied that the deceased cannot question them, therefore the enmity got aggravated. Thereafter, on the same day, at about 11.00 pm., when the mother of the deceased was asking about his son to other accused, the deceased came there and at that time the accused persons assaulted him with aruval and caused his death. Hence the case.

4.Learned counsel for the petitioner would submit that the petitioner is arrayed as A1 and he is standing on the similar footing as that of A2 and this Court doubting the presence of P.W.1 had suspended the sentence in respect of co-accused in CrI.M.P(MD) No. 7486 of 2024 dated 08.07.2025. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5.Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the evidence of P.W.1 and P.W.2 are cogent and the accused persons caused multiple injuries on the victim resulted in his death after 10 days and hence, he vehemently oppose the grant of suspension of



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sentence.

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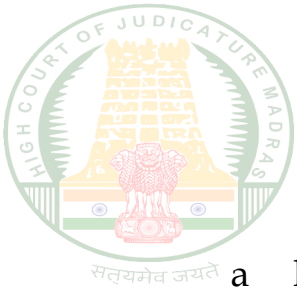
6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. In respect of a co-accused, who has been similarly placed, this Court, vide order dated 08.07.2025 in Crl.M.P(MD)No.7486 of 2025, had suspended the sentence and granted bail. The petitioner also stands on the same footing. Having gone through the records and taking into consideration the facts and circumstances of the case, we are of the opinion that it is a fit case for grant of interim suspension of sentence to the petitioner.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for

Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for



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a like sum to the satisfaction of the learned Judicial
Magistrate, Vilathikulam Tuticorin District.

- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.
- iii. The petitioner shall stay at Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore District daily at 10.30 a.m., until further orders.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
22/07/2025

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23/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- TO
- 1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI DISTRICT.
 - 2.THE JUDICIAL MAGISTRATE,
VILATHIKULAM THOOTHUKUDI DISTRICT.
 - 3.THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 4.THE INSPECTOR OF POLICE VILATHIKULAM POLICE
STATION, THOOTHUKUDI DISTRICT.
 - 5.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

COPY TO

THE INSPECTOR OF POLICE
OLD TOWN POLICE STATION, CUDDALORE DISTRICT.

ORDER
IN
CRL MP(MD) NO. 2668 of 2025
in
Crl.A(MD)No.651 of 2024
Date :22/07/2025

PR/23.07 .2025 6P/8C

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