



Crl.M.P.(MD)No.2975 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2975 of 2025

in Crl.A.(MD)No.290 of 2025

Veeraputhiran @ Manikandan,
S/o.Krishnasamy,
No.4/6, Kalaiamman Kovil Street,
V.Meenachipuram,
Vembakkottai Taluk,
Virudhunagar District.

Petitioner(s)

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

Respondent(s)

For Petitioner(s):

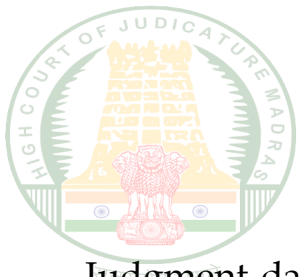
Mrs.S.Prabha
Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)

ORDER

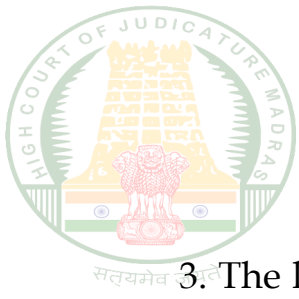
The petitioner is the sole accused in S.C.No.165 of 2022 on the file of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. The petitioner was tried for the offence under Section 302 IPC. But, the trial Court, by its



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Judgment dated 26.04.2024, found the petitioner guilty for the offence under Section 304 IPC and convicted and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/- with the default sentence of one year simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.290 of 2025 and the same has been admitted by this Court on 06.03.2025. The petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court pending the appeal.

2. The learned counsel appearing for the petitioner submits that even according to the prosecution case, the victim fell down and died due to the head injury. The victim is admittedly a mentally retarded woman. The accident has been projected as that of a case of murder and the petitioner has been prosecuted. According to her, the prosecution case is that the complaint was lodged by a Village Administrative Officer, however, the complaint of the Village Administrative Officer is not on record. She further submits that there is a dispute with regard to the date of arrest and the recording of extra judicial confession statement. Therefore, the petitioner is having arguable points in the appeal. Since the petitioner is in jail from the date of Judgment, i.e. from 26.04.2024, she seeks to suspend the sentence imposed by the trial Court.



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3. The learned Government Advocate (Crl. Side) submits that the petitioner is a drunkard. He is having four previous cases to his credit. The petitioner used to pick up quarrel in an inebriated condition that was objected by the victim. Therefore, he assaulted the victim on 06.04.2022, due to which, she fell down and sustained head injury and died. Therefore, the case was registered for the offence under Section 302 IPC, however, the trial Court convicted the accused under Section 304 IPC. The learned Government Advocate, by referring the evidence of Doctor, further submits that apart from the head injury, the deceased was strangled. Considering the antecedent of the petitioner, the learned Government Advocate opposed to grant suspension of sentence.

4. The learned counsel appearing for the petitioner submits that though the cases have been registered as against the petitioner, he was found guilty only in this case and in all other cases, trial is pending. She further submits that one Muniyasekaran, an Ex-President of the Village Panchayat, is ready to stand as surety for the petitioner. To that effect, she also furnished the affidavit filed by the said Muniyasekaran.

5. This Court considered the rival submissions and perused the materials placed on record.

6. The petitioner has raised certain arguable points, which can be considered



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only during the final hearing of the appeal. The appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, period of incarceration and also for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. Out of the two sureties, one surety shall be the said S.Muniyasekaran, S/o.Seenivasagam, who filed an affidavit before this Court and another surety must be a respectable person from the petitioner's village.

(ii) The sureties shall file an undertaking affidavit before the respondent Police that the petitioner will not indulge in any other offence in future. They shall also ensure the conduct of the petitioner during the suspension period and his availability till the disposal of the appeal proceedings.

(iii) The petitioner shall also file an undertaking affidavit before the respondent Police that he will not indulge in any other offence in future and he will be available



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till the disposal of the appeal proceedings.

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(iii) The petitioner shall appear before the respondent Police daily at 10.30 a.m.

until further orders.

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03/04/2025

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03/04/2025

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

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TO

- 1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2975 of 2025
Date :03/04/2025

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

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