

Crl.MP(MD)No.8018 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA
and
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI

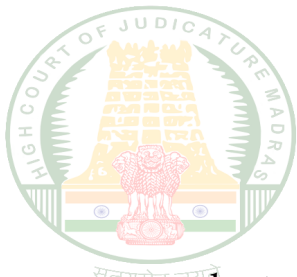
Crl.M.P.(MD).Nos.8018, 8019 & 8021 of 2025
in
Crl.A.(MD).Nos.160 of 2025

1. S.Mathiyazhagan	... Petitioner in Crl.MP(MD)No.8018 of 2025
2. S.Nambirajan	... Petitioner in Crl.MP(MD)No.8019 of 2025
3. N.Pitchumani	... Petitioner in Crl.MP(MD)No.8021 of 2025
	Vs

The State of Tamil Nadurepresented by,
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.246 of 2014)

... Respondent in all Crl.MP(MD)

Common Prayer: Petition filed under Section 430 (1) of B.N.S.S to grant interim suspension by granting bail to the petitioners/ A6 to A8 against the judgment dated 20.01.2025 in S.C.No.387 of 2018 on the file of the learned I Additional Sessions Judge, Tirunelveli for the offence in Crime No246 of 2014 on the file of the



Crl.MP(MD)No.8018 of 2025

respondent police
WEB COPY

For Petitioners : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu
(in all Crl.MP(MD))
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor
(in all Crl.MP(MD))

COMMON ORDER

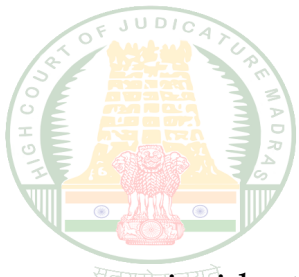
[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioners by the learned I Additional Sessions Judge, Tirunelveli, vide Judgment dated 20.01.2025 in S.C.No. 387 of 2018, they have filed this criminal miscellaneous petition.

2. The petitioners stands convicted and sentenced as under:-

Section of Law	Sentence of imprisonment	Fine amount
148 of IPC	2 years imprisonment	Rs.500/- each i/d to undergo two month simple imprisonment
449 of IPC	Life Imprisonment (each)	Rs.1000/- each i/d to under go six month simple imprisonment
302 r/w 149 of IPC	Life Imprisonment (each)	Rs.1000/- each i/d to under go six month simple imprisonment

3. The case of the prosecution is that due to previous enmity regarding murder



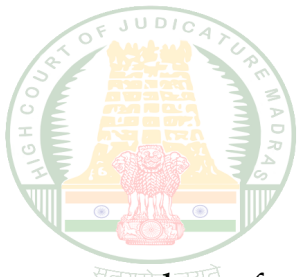
Cri.MP(MD)No.8018 of 2025

WEB COPY

case incidents there was an enmity between the accused persons and the deceased.

On 29.10.2014 at about 8.00 a.m, when the defacto complainant namely Selvaraj and the witnesses Abimannan, Kasidurai Prabhakaran were standing in front of Selvaraj's house and planning to attend agriculture work, at that time A9 and A11 arrived there in a two wheeler bearing registration No.TN.72.AB.8255, A10 and A14 came in another two wheeler bearing registration No.TN 76 T 2674 and all the accused joined together and criminally trespassed into the house of the deceased and attacked him with wooden log and sickle and caused his death. Further Al threatened the defacto complainant with dire consequences. Hence the case.

4. The learned Senior Counsel appearing for the petitioners would submit that the presence of P.W.1 at the scene of occurrence is doubtful. The deceased is the son of P.W.1 and against whom several cases of attempt murder and murder are pending on the file of the Veeravanallur Police Station, Ambasamudram Police Station, Kallidaikurichi Police Station and Mukkudal Police Station and as such he was having enmity with several persons in the locality. P.W.1 has stated that the accused had come there in an innova car, however it has been disproved during the cross examination of P.W.1 and P.W.26. Further the trial Court failed to take into consideration the discrepancies in the evidence of witnesses with regard to the



Cri.MP(MD)No.8018 of 2025

number of assailants and the vehicle in which they are said to have come to the place occurrence, thereby creating a doubt about the presence of the witnesses. He further submitted that in this case the incident had happened during the year 2014 and the petitioners were on bail during trial and they have not misused the liberty granted to them and therefore, he prayed for suspension of sentence.

5. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that due to previous enmity all the accused assaulted the deceased with deadly weapons and caused his death thereby, he would vehemently oppose for grant of bail to the petitioners.

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. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.

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



Crl.MP(MD)No.8018 of 2025

WEB COPY

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned I Additional Sessions Judge, Tirunelveli;
- ii. 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 passbook to ensure their identity;
- iii. The petitioners shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, daily at 10.30 a.m., until further orders;
- iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
13/08/2025

/ TRUE COPY /

19/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm
To

1. The 1st Additional Sessions Judge, Tirunelveli.

2. The Judicial Magistrate, Cheranmahadevi.

3. Do Through The Chief Judicial Magistrate, Tirunelveli District.



Crl.MP(MD)No.8018 of 2025

4.The Superintendent,
Central Prison, Palayamkottai.

5. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To
The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.

+3 CC to M/s.K.PRABHU, Advocate (SR-8774, 8775 & 8777[I] dated 13/08/2025)

ORDER

IN

Crl.M.P.(MD).Nos.8018, 8019 & 8021 of 2025

in

Crl.A.(MD).Nos.160 of 2025

Date :13/08/2025

HPS/19.08.2025 6P/11C

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