



CRL MP(MD) NO. 8010 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-08-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 8010 of 2025

IN CRL A(MD) NO. 814 of 2024

Sasi @ Sasi Kumar

S/o. Rafel, Kanjirankattuvilai, Mullankinavilai Post,
Kanyakumari District.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, Aralvoimozhi Police station,
Kanyakumari District. Crime No. 817/2011.

Respondent(s)

For Petitioner(s):

R.Ilayaraja
Suresh Kannan.C
Deepak.B

For Respondent(s):Mr.S.Ravi

Additional Public Prosecutor

Prayer:This petition is filed under Section 430(2) BNSS, praying to enlarge the petitioner on bail by suspending the sentence imposed upon him in Sessions Case No. 78/2012 on the file of the learned Sessions Judge, Mahalir Fast Track Court,



CRL MP(MD) NO. 8010 of 2025

Nagercoil, Kanyakumari District by judgment dt. 23.08.2024 pending disposal of the
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appeal.

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 by the learned Sessions Judge, Mahalir Fast Track Court, Nagercoil, Kanyakumari District, Virudhunagar vide Judgment dated 23.08.2024 in SC No.78/2012, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
394 of IPC	To undergo 7 years rigorous imprisonment	Rs.1,000/- i/d to undergo one year simple imprisonment
302 IPC	To undergo Imprisonment for life	Rs.1,000/- i/d to undergo one year simple imprisonment
201 IPC	To undergo 3 years rigorous imprisonment	Rs.1,000/- i/d to undergo 6 months simple imprisonment
The sentences shall run concurrently		

<https://www.mhc.tn.gov.in/judges> 3. The case of the prosecution is that the petitioner is none other than the own



CRL MP(MD) NO. 8010 of 2025

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younger brother of the husband of the deceased viz., Kavitha. The husband of the deceased was working at abroad and he used to transfer the amount to the accused and later the accused used to hand over the same to the deceased. The deceased owned a TATA Sumo car bearing Registration No.TN-20-AU-5281 and she had rental income out of the same. The accused used to drop and pick up the deceased from the matrimonial home to her parental home. On 02.12.2011 at about 10.00 a.m., the deceased came to her matrimonial house from her parental house and she had informed her parents that she will collect the amount and jewels from the accused which had been transferred by her husband to the accused and also informed that the accused will drop her back. As she had not returned for a long time and her phone was also not reachable, her parents came to her matrimonial home wherein she had not been found. On the next day ie., on 03.12.2011 at evening a news was published that an unidentified female body was found dead. Pursuant to which, the respondent police asked the de-facto complainant to identify the said body and it was identified as the deceased Kavitha. Hence, the case was registered.

4.The learned counsel appearing for the petitioner would submit that the alleged occurrence said to have taken place on 02.12.2011 and based on the body of the victim being found by VAO, the case has been registered on 03.12.2011. It is a

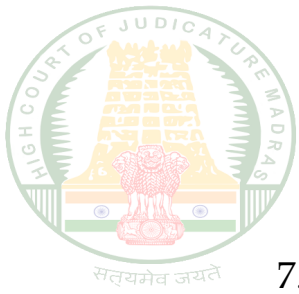


CRL MP(MD) NO. 8010 of 2025

case of circumstantial evidence. The petitioner was said to be arrested by the respondent police on 05.12.2012. Though P.W8 said to be a person, who has last seen the petitioner along with the deceased, he had been examined only on 22.12.2011 by the respondent police and thereby, creating a doubt with regard to the last seen theory. The prosecution has not proved the chain of circumstances beyond reasonable doubt and the trial Court without taking into considering the same, had convicted the petitioner. He would further submit that the petitioner was on bail during trial and during the said period, the petitioner has not misused the liberty granted to him. The petitioner is in incarceration for more than one year and he is ready to abide by any stringent condition imposed by this Court. Hence, he prays for suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondents has filed counter affidavit, submitted that after a full-fledged trial, the trial Court had rightly convicted the accused and hence, he opposed to grant suspension of sentence to the petitioner.

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



CRL MP(MD) NO. 8010 of 2025

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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 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 a like sum to the satisfaction of the learned Additional District and Sessions Judge, Virudhunagar.
- 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 Sriperumputhur and report before the Inspector of Police, Sriperumputhur Town Police Station, daily at 10.30 a.m., until further orders.



CRL MP(MD) NO. 8010 of 2025

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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

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14/08/2025

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

Ns

To

- 1.The Additional District and Sessions Judge,
Virudhunagar.
- 2.The Sessions Judge, Mahalir Fast Track Court,
Nagercoil, Kanyakumari District.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Sriperumputhur Town Police Station,
Sriperumputhur.
- 5.The Inspector of Police,
Aralvoimozhi Police station,
Kanyakumari District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL MP(MD) NO. 8010 of 2025

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ORDER

IN

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IN

IN CRL A(MD) NO. 814 of 2024

Date :14/08/2025

HPS/19.08.2025 7P/8C

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