



CRL.MP(MD)No.10052 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CRL.MP(MD)No.10052 of 2024
in
CRL.A(MD)No.712 of 2024**

Sundaram @ Selvasundaram

... Petitioner

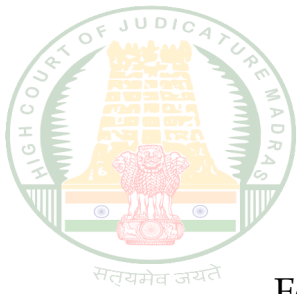
vs.

The State
By the Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.782 of 2016

... Respondent

Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.22 of 2019 by the Additional District and Sessions Court (Fast Track Court), Palani, dated 13.08.2024.

For Petitioner : Mr.N.Karthick for
M/s.Spicy Law Firm



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For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

Seeking to suspend the sentence imposed on the petitioner/accused by the Additional District and Sessions Court (Fast Track Court), Palani, in S.C.No.22 of 2019 dated 13.08.2024, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.10,000/- in default to undergo six months simple imprisonment

3. The case of the prosecution is that on 29.10.2019 at 09.30 p.m., when the accused was arguing with his brother namely Prabhu, one Sivakumar had intervened and warned them. Infuriated by the same, the accused decided to kill the said Sivakumar and abused him in filthy language, attacked him with knife, stabbed on his left side stomach repeatedly and caused bleeding injury. Thereafter, the said Sivakumar was taken to Palani Government Hospital and during treatment, he died.

4. The learned counsel appearing for the petitioner would submit that the independent witnesses have turned hostile and not supported the case of the

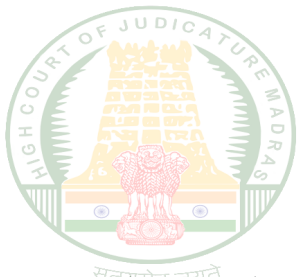


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prosecution.
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He would further submit that there are several arguable points available in the appeal. In the alternative, he would submit that even as per the prosecution, the alleged occurrence is said to have taken place during a quarrel between the accused and PW1 and the deceased is said to have intervened and the incident is said to have taken place during that time. There was no intention or motive on the part of the appellant to commit murder and there is a likelihood of modification of the sentence. He would further submit that the incident had happened during the year 2016 and the appellant was on bail during trial and he had not misused the liberty granted to him. Therefore, the learned counsel would pray for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent - Police, would submit that PW1 to PW3 are the eyewitnesses to the incident and they have clearly spoken about the motive and the overt act against the accused. Further, PW20 Doctor who conducted autopsy on the body of the deceased opined that the deceased died due to multiple stab injuries. He would further submit that a combined reading of the evidence of PW1 to PW8 and PW16 coupled with Exs.P5-FIR and Ex.P6-Accident Register of the deceased would show that there was deep-rooted enmity between the deceased Sivakumar and the accused and that the FIR was registered without any delay, thereby, he would



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vehemently oppose for grant of bail to the petitioner.

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

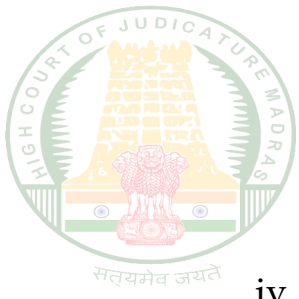
7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

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 Additional District and Sessions Court, (Fast Track Court), Palani.

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 petitioner shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station, daily at 10.30 a.m., until further orders.



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iv. The petitioner shall not enter into the jurisdictional limits of the respondent/Police until further orders.

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28/08/2025

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01/09/2025

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

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To

1. The Additional District and Sessions Judge, (Fast Track Court), Palani.
 2. The Inspector of Police, Palani Town Police Station, Dindigul District.
 3. The Inspector of Police, Chidambaram Town Police Station, Cuddalore District.
 4. The Superintendent, Central Prison, Madurai.
 5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.SPICY LAW FIRM, Advocate (SR-9282[I] dated 28/08/2025)

ORDER
IN
CRL.MP(MD)No.10052 of 2024
in
CRL.A(MD)No.712 of 2024
Date :28/08/2025

NBF/SAR- /01/09/2025/ 5P/7C

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