



CRL MP(MD) NO. 11306 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-02-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 11306 of 2024

in

CRL.A(MD)No.887 of 2023

Ponnudurai

S/o. Krishnan, Pillaiyarkovil Street, Balamarthandapuram,
Tenkasi District. Now confined at Central Prison,
Palayamkottai.

Petitioner(s)

Vs

The Inspector of Police

Ayikudi Police Station, Achanpudur Circle, Tenkasi District.
Crime No.106 of 2014.

Respondent(s)

For Petitioner(s):

Mr.G.Karuppasamypandiyan, Advocate

For Respondent(s):Mr.E.Antony Sahaya Prabakar

Addl.Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble **DR.G.JAYACHANDRAN., J.)**

This criminal miscellaneous petition has been filed by the petitioner/appellant to



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suspend the sentence in S.C.NO.483 of 2016, dated 25.8.2023, passed by the learned District and Sessions Judg(FTC), Tenkasi and to enlarge the Petitioner on bail, pending disposal of the above Criminal Appeal.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner is a life convict, who is sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for one year for the offence under Section 302 of IPC. The Petitioner is in prison since 25.08.2023.The appeal against conviction is pending and not likely to be taken up immediately.

4.The learned counsel for the Petitioner states that there are several lacunae in the prosecution case. Primarily, the deceased is the wife of the Petitioner died of self immolation. However, the Police has falsely registered a case under Section 302 IPC. The trial Court had failed to take note of Ex.P11-Accident Register which is the earliest document on the side of the prosecution which clearly show that the deceased was taken to the hospital by the Petitioner and the Doctor, who registered the



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accident Register, recorded it as a case of self immolation. The learned counsel would also submit that in the dying declaration alleged to have been recorded by the Doctor though it is stated that it was recorded on 6.7.2014 at 12.25 p.m., it had reached the Court only after a delay of ten days and no satisfactory explanation was given by the prosecution for the said delay.

5.Considering the fact that there is no eyewitness to the occurrence and based on the circumstance, the Petitioner was found guilt and convicted, this Court is of the view that pending disposal of the appeal, the Petitioner be released on bail. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood-related surety, each for a like sum to the satisfaction of the Additional District and Sessions Judge (FTC), Tenkasi.



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ii.The petitioner shall appear before the learned Additional District and Sessions Judge(FTC), Tenkasi at 10.30 a.m. on the first and third Monday of every English Calendar month until further orders.

iii.On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 Cr.P.C. and appear before the Trial Court on any other day, as determined by the Trial Court, in lieu of the day on which they would absent.

sd/-
05/02/2025

/ TRUE COPY /

06/02/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, (FTC), TENKASI.
- 2 THE INSPECTOR OF POLICE
AYIKUDI POLICE STATION,
ACHANPUDUR CIRCLE,
TENKASI DISTRICT.



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3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-1407[I] dated
06/02/2025)

ORDER
IN
CRL MP(MD) No.11306 of 2024
in
CRL.A(MD)No.887 of 2023
Date :05/02/2025

SS/SKN/SAR- /06/02/2025/ 5P/6C

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