

CrI.M.P.(MD).Nos.13174 and 13175 of 2024

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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

CrI.M.P.(MD).Nos.13174 and 13175 of 2024

in

CrI.A.(MD).No.1073 of 2024

1. Ramesh

... Petitioner in CrI.M.P(MD)No.13174 of 2024

2. Raja

... Petitioner in CrI.M.P(MD)No.13175 of 2024

Vs

The State represented by,

The Inspector of Police,

Melattur Police Station,

Thanjavur District.

... Respondent in both CrI.M.P(MD)

For Petitioner

: Mr.S.K.Mani

in both CrI.M.P(MD)

For Respondent

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

in both CrI.M.P(MD)

Common Prayer:- Petition filed under Section 430 of B.N.S.S to grant interim suspension by granting bail to the petitioners/A1 and A4 against the judgment dated 25.09.2024 in S.C.No.157 of 2018 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur.



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COMMON ORDER

Seeking to suspend the sentence imposed on the petitioners by the learned I Additional District and Sessions Judge (PCR), Thanjavur vide Judgment dated 25.09.2024 in S.C.No.157 of 2018, they have filed this criminal miscellaneous petition.

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

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	Rigorous life imprisonment	Rs.10,000/- each i/d to undergo simple imprisonment for one year

3.The case of the prosecution is that on 15.01.2016 while pongal festival was celebrated near Water Tank in South Street in Koniyakuruchi, the first petitioner/first accused placed radio set for playing songs. He stopped playing songs at 09.00 p.m. At that time, the deceased asked him to play one more song, for

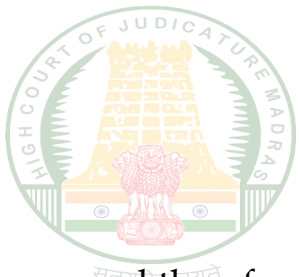


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which, the first accused refused, abused him in filthy language and also assaulted him along with other accused persons by using tube lights. As a result, the deceased sustained injuries, which led to his death.

4.Learned counsel for the petitioners would submit that the alleged occurrence is said to have taken place during the festival. The presence of P.W.1, who is said to be ocular witnesses at the scene of occurrence is also doubtful. P.W.4, who is said to have taken the deceased to the hospital has not spoken about the presence of P.W.1 at the time of the occurrence. Even as per the prosecution, the incident is said to have taken place during a quarrel. The accused are mike set operators for temple festival and they have stopped playing audio after 09.00 p.m. The deceased had compelled them to play a song and there was a quarrel, during which time, the accused are said to have inflicted the injuries with a broken tube light. The incident had taken place during a sudden fight and there was no intention motive or premeditation on the part of the accused and no weapon had been used. He would further submit that the occurrence is said to have taken place in the year 2016 and the accused were on bail during trial and they have not misused the liberty granted to them. Further, there are several arguable points in the appeal and the likelihood of the appeal being taken up for final hearing in the near future is also not possible



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and therefore, he prayed for suspension of sentence.

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5.Learned Additional Public Prosecutor appearing for the respondent Police would submit that the incident had taken place during a quarrel. The accused had refused to play music after 09.00 p.m. The deceased had compelled them to play one song during such time, there was a quarrel and at that time, the accused had broken the tube light and stabbed him with that resulting in his death thereby, he would object for grant of bail to the petitioners.

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

7.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 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:-



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- i. The petitioners are 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 I Additional District and Sessions Judge, (PCR), Thanjavur, Thanjavur District;
- 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 report before the trial court on all hearing dates 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

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18/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm



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- 1.The 1st Additional District and Sessions Judge (PCR),
Thanjavur District.
2. The Inspector of Police,
Melattur Police Station, Thanjavur District.
- 3.The Superintendent, Central Prison, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
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in
Crl.A.(MD).No.1073 of 2024
Date :13/08/2025

PR/18.08.2025 6P/5C

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