



CRL.MP(MD) No. 1 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM

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

**CRL.MP(MD) No. 1 of 2025
in
Crl.A(MD)No.1 of 2025**

Ashokan

...Petitioner / Appellant

Vs.

State of Tamil Nadu,
rep. by The Inspector of Police
Coutralam Police Station,
Tenkasi District.
(Crime No.210 of 2016)

..... Respondent/ Respondent

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the operation and execution of sentence imposed by the learned Additional District and Sessions Judge (FTC), Tenkasi in S.C.No.658 of 2017 dated 18.09.2024 and to enlarge the petitioner/appellant on bail till the disposal of pending Criminal Appeal.



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For Petitioner : Mr.A.Balakrishnan

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 by the Additional District and Sessions Judge (FTC), Tenkasi, *vide* Judgment dated 18.09.2024 in S.C.No.658 of 2017, 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.2,000/- i/d to under go six months simple imprisonment

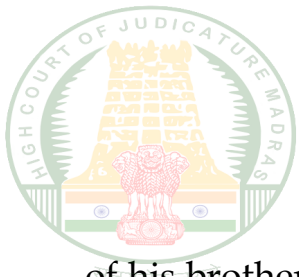
3. The case of the prosecution is that on 09.07.2016 at about 12.30 a.m., near the Panchayat Sintex tank on Pullukattuvalaai M.G.R. Main Road, the deceased Anand, who was walking back to his residence, was brutally assaulted and



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murdered by the Petitioner/Accused. The petitioner, who was enraged over the deceased developing an illicit relationship with one Krishnaveni (PW10), followed the deceased on his two-wheeler, dashed him from behind, and caused him to fall. Immediately, the petitioner took a brick and assaulted the deceased on the head and when the brick broken, he took a sickle from his vehicle and inflicted multiple blows to the head, causing instantaneous death. The occurrence was witnessed by P.W.1, the deceased's brother, and P.W.2, a nearby resident. Based on the complaint lodged by P.W.1, the respondent police has registered a case in Crime No.210 of 2016 for the offence under Sections 294(b) and 302 IPC.

4. The learned counsel appearing for the petitioner would submit that the motive for the murder as per the prosecution is that P.W.10 was having intimacy with the petitioner and subsequently she has snapped the relationship with him and was having an affair with the deceased and thereby, the accused is said to have committed the murder. The occurrence is said to have taken place at about 11.30 p.m., in the night. Though P.W.1 and P.W.7, the brothers of the deceased are said to have witnessed the occurrence, their presence at the place of occurrence is highly doubtful. Though P.W.1 has stated that he along with his brother P.W.7 have gone together and seen the occurrence, it is the evidence of P.W.7 that he went in search



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of his brother to a different place and he came late. Though P.W.2 was also stated to be present at the time of occurrence, P.W.7 does not speak about the presence of P.W.2 at the place of occurrence. P.W.10 the witness examined for the purpose of motive has turned hostile and she has not supported the case of the prosecution and during her cross examination by the prosecution she has stated that on the night of occurrence the deceased had gone to her house in an inebriated condition and knocked the door and when P.W.10 had told him that her children are there, the deceased had kicked the door and gone away in inebriated condition in the bike and that she heard about the death on account of a dispute with his brother. He would further submit that apart from that several arguable points are available and the petitioner is in custody for more than one year, thereby he would seek to suspend the sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor would submit that the motive for the murder is that the accused was having illicit intimacy with P.W.10, subsequently, she had snapped the relationship with him and had developed relationship with the deceased and due to the enmity the accused had committed the murder of the deceased. He would further submit that P.W.1, P.W.2 and P.W.7 are the witnesses to the occurrence and they have seen



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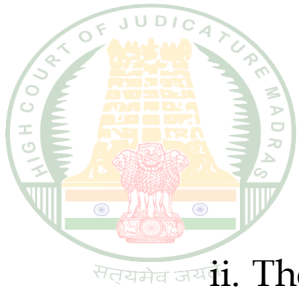
the occurrence, when they have gone in search of the deceased and further there is also extra judicial confession of the accused, wherein he had admitted the crime and thereby he would vehemently opposed for grant of bail to the petitioner.

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 learned Additional District and Sessions Judge, Fast Track Court, Tenkasi.



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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 Nagapattinam District and report before the Inspector of Police, Nagapattinam Town Police Station, daily at 10.30 a.m., until further orders.

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

sd/-
12/08/2025

/ TRUE COPY /

/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT,
TENKASI.

2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

<https://www.mhc.tn.gov.in/judis>



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3. THE INSPECTOR OF POLICE
COUTRALAM POLICE STATION,
TENKASI DISTRICT.

COPY TO

1 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

ORDER
IN
CRL MP(MD) No.1 of 2025
IN
CRL A(MD) No.1 of 2025
Date :12/08/2025

NM/13.08.2025/ 7P/5C

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