



WEB COPY

CRL MP No. 2268 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl MP No. 2268 of 2026

and

Crl A No. 155 of 2026

Harikumar
S/o. Elumalai,
No.147, Pillaiyar Koil Street,
Bahavanthapuram,
Raghunatahpuram Post,
Vandavasi Taluk,
Thiruvannamalai District.

... Petitioner(s)

Vs.

State Rep. by,
The Inspector of Police,
T12, Poonamallee Police Station,
Thiruvallur District.
Crime No.1062 of 2017.

...Respondent(s)

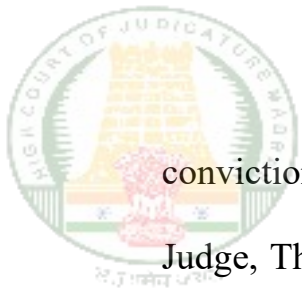
PRAYER: Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C / under Section 430(1) of BNSS, to suspend the sentence and enlarge the petitioner on bail imposed in SC.No.81 of 2018 on the file of The IIIrd Additional District and Sessions Judge, Thiruvallur at Poonamallee by Judgment dated 25.11.2025.

For Petitioner(s): M/s.K.Srinivasan

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the



conviction and sentence passed by the learned Additional District and Sessions Judge, Thiruvallur at Poonamallee, in Spl.S.C.No.81 of 2018 dated 25.11.2025 pending disposal of the above criminal appeal.

2. The petitioner/A1 in Spl.S.C.No.81 of 2018 was convicted and sentenced by the Trial Court by judgment dated 25.11.2025 as follows:

under Section	Sentence imposed
304(ii) IPC	To undergo RI for 7 years
201 IPC	To undergo RI for 2 years and 6 months
Sentence ordered to run concurrently.	

3. Aggrieved by the same, the petitioner filed CrI.A.No.155 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner/A1, A2, A3 and the deceased person were known to each other; that there was enmity between the petitioner and the victim; that all of them consumed alcohol on 24.07.2017; that thereafter the petitioner had pushed the deceased from the second floor of a building under construction; that they removed the body and placed it near a garbage drum and burnt it at about 10.30 p.m; and that the VAO saw the body and lodged the complaint on 25.07.2017, which was registered under Section 174 Cr.P.C, and thereafter altered to Sections 304 (ii) IPC and 201 IPC.



5. The learned counsel for the petitioner would submit that the case is based on the circumstantial evidence; that the prosecution had not established the circumstance; that in any case, the circumstance do not form a complete chain so as to point out to the guilt of the accused; that P.W6 claimed to be an eye witness had admitted in his cross-examination that he was deposing under the threat of prosecution by the Police; that his Section 161 Cr.P.C, statement was recorded 20 days after the occurrence; and that therefore, in the absence of any cogent evidence, the impugned judgment is liable to be set aside.

6. Heard the learned Government Advocate (Crl. Side) for the respondent and perused the counter affidavit.

7. Though P.W.6 claims to be an eye witness, he had admitted in his cross-examination that he was deposing under the threat of prosecution by the Police. As rightly submitted by the learned counsel, he was examined during investigation 20 days after the occurrence. The case is otherwise based on circumstantial evidence. It has to be examined in the appeal whether other circumstances conclusively establish the guilt of the petitioner; and since the appeal is not likely to be taken up in the near future, this Court is inclined grant the relief of suspension of sentence to the petitioner.



8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Poonamallee;
- (ii) The petitioner and 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 pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

20-02-2026

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SUNDER MOHAN, J.

Mac/ars

To

1. The Additional District and Sessions Judge, Thiruvallur at Poonamallee
2. The Judicial Magistrate-II, Poonamallee.
3. The Inspector of Police
T12, Poonamallee Police Station,
Thiruvallur District.
4. The Public Prosecutor,
High Court of Madras, Madras.
5. The Superintendent of Prison,
Central Prison, Puzhal.

**CRL MP No. 2268 of 2026
in CRL A No. 155 of 2026**

20-02-2026