



Crl.M.P.No.1621 of 2026
in Crl.A.No.109 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1621 of 2026
in Crl.A.No.109 of 2026

1.Anbalagan

2.Azhagumeenal

... Petitioners /Appellants

Vs.

State represented by Inspector of Police,
T-7, Tank Factory Police Station,
Vellanoor, Avadi, Chennai – 62,
Crime No.436 of 2020.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed by the Judgment dated 18.12.2025 made in S.C.No.73 of 2021 passed by the learned II Additional District and Sessions Judge, Thiruvallur @ Poonamallee and enlarge the 1st Petitioner on bail till the disposal of the criminal appeal.

For Petitioners

: Mr.S.Ashok Kumar,
Senior Counsel for
Mr.A.Amarnath

For Respondent

: Mr.S.Balaji,
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by judgment dated 18.12.2025 passed in S.C.No.73 of 2021 by the learned Additional District and Sessions Judge, Thiruvallur @ Poonamallee, pending disposal of the above criminal appeal and enlarge the petitioners on bail.

2. The first petitioner/accused in Spl.S.C.No.73/2021 was convicted by the Trial Court by judgment dated 18.12.2025, for the offence under Sections 341, 294(b) and 304(1) of IPC and the second petitioner/accused in Spl.S.C.No.73/2021 was convicted by the Trial Court by judgment dated 18.12.2025, for the offence under Section 323 IPC and sentenced as mentioned below;

<i>Accused</i>	<i>Offence under Section</i>	<i>Sentence imposed</i>
A1	341 of IPC	To pay a fine of Rs.500/-, in default, to undergo simple imprisonment for one week.
	294(b) of IPC	To pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment
	304(1) of IPC	To undergo rigorous imprisonment for 10 years and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for one year.



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A2	323 IPC	To pay a fine of Rs.500/-, in default, to undergo simple imprisonment for one week.
The sentences were ordered to run concurrently		

Aggrieved by the same, the petitioners have filed Crl.A.No.109 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The case of the prosecution is that there was a quarrel between the petitioners on the one hand and the witnesses and the deceased on the other hand, who were neighbors; that during the said quarrel, the first petitioner is said to have pushed the victim, as a result of which, the victim sustained injuries and thereafter, died at the hospital; and that the second petitioner had caused injuries on PW1. The first petitioner was convicted for the offences under Section 341, 294(b) and 304(1) of IPC and the second petitioner was convicted for the offences under Section 323 IPC.

4.Mr.S.Ashok Kumar, learned Senior Counsel for petitioners would submit that there is no motive for the occurrence that took place due to sudden quarrel; that the injuries sustained by the victim would only suggest that no weapon was used and that the victim fell down in the scuffle; that the doctor



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had opined that the victim had a natural death and therefore, the Judgment convicting the petitioners for the offence under Section 304(1) of IPC and under Section 114 of IPC cannot be sustained.

5.Heard learned Government Advocate(Crl. Side) who confirms that the doctor had opined that the death of the victim was natural.

6.Considering the nature of allegation against the petitioners, the opinion of the doctor and since several vital points has been raised in the above appeal, which requires consideration and the petitioners are in custody from 18.12.2025, this Court is inclined to suspend the sentence, as the appeal is not likely to be taken up in the near future.

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

- (i)The petitioners shall each 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 Court, Ambattur;



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(ii)The petitioners 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

10.02.2026

Tsg

Note: Issue order copy on 11.02.2026



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SUNDER MOHAN, J.

Tsg

To

- 1.The II Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.
- 2.The Judicial Magistrate Court,
Ambattur.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
4. Inspector of Police,
T-7, Tank Factory Police Station,
Vellanoor, Avadi, Chennai – 62,
Crime No.436 of 2020
- 4.The Public Prosecutor,
High Court, Madras.

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