



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-06-2026**

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**THE HON'BLE MR JUSTICE C. SARAVANAN**

**CRL MP No. 3011 of 2026**

**in**

**Crl. A.No. 198 of 2026**

Azhruddin @ Asru Ali  
S/o.Kupla,  
Sooe No. 439, Bisru Village,  
Mewat District, Haryana State.

..Petitioner/A2

Vs

The State Rep. by,  
The Deputy Superintendent of Police,  
Veppadai Police Station,  
Namakkal District.  
Crime No. 212/2024.

..Respondent(s)

**Prayer:** Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to suspend the sentence imposed in S.C.No.19 of 2025 dated 14.10.2025 in Crime No.212 of 2024 by the learned Honble II-Additional District and Session Judge, Tiruchengode and enlarge the Petitioner on bail till the disposal of the above Criminal Appeal.

For Petitioner : Mr. M. Raju Sharma

For Respondent(s): Mr. R. John Sathyan,  
Public Prosecutor



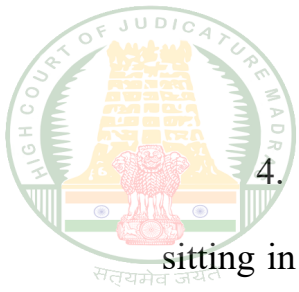
## ORDER

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This petition has been filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (formerly Section 389 of the Code of Criminal Procedure, (Cr.P.C.) 1973), seeking suspension of sentence in the Judgement dated 14.10.2025 of the II – Additional Sessions Court, Tiruchengodu, convicting the Petitioner and other accused for the offences under Section 109 of Bharatiya Nyaya Sanhita (BNS) 2023, (formerly Section 307 of Indian Penal Code (IPC) 1860 ), Section 54 of BNS (formerly Section 114 of IPC) and Section 132 of BNS (formerly Section 353 of IPC).

2. By the impugned Judgement of the Trial Court, all the accused have been found guilty except the third accused who died on 27.09.2024 while allegedly attempting to escape from the arrest. The Petitioner himself too, had sustained a gun shot on his leg on 27.09.2024 while an attempt to flee, in an attempt to evade arrest him.

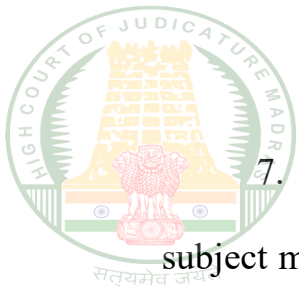
3. A6 and A7 have already been enlarged on bail by the Hon'ble Supreme Court in the case of ***Mubarik vs. The State of Tamil Nadu and Mohammed Ikram v. The State, rep.by the Deputy Superintendent of Police,*** by order dated 06.04.2026 and 13.05.2026 respectively.



4. The case before the Trial Court was that accused/A3 to A7 were sitting in the cabin of Container Lorry bearing Registration No.RJ 11 CC 6845 and were being chased by the State Police upon receiving information that they were fleeing from Thrissur, after allegedly committing a Heist (Robbery) of money from an Automated Teller Machine (ATM) in Thrissur District, Kerala.

5. According to the prosecution, the third accused/A3 drove the said Container Lorry rashly, inside which, a white-coloured Hundai Creta car was stationed which was used to commit the Heist. Hence, a case was made out before the Trial Court that the Heist was committed by using the aforesaid car in Kerala, and was thereafter concealed inside the Container Lorry and to escape from a possible of arrest the accused committed the above offence. It is further alleged that the said car was parked inside of the Container Lorry, which was seen nearby the scene of occurrence in Thrissur and the third accused/A3, who had driven the Container Lorry was accompanied by accused/A4, A5, A6 and A7.

6. Further, it was alleged that while the accused/A1 and A2 were also inside of the Container Lorry and that the A2/Petitioner herein, was in possession of a blue colour bag containing cash for a sum of Rs.67,82,700/- which was allegedly stolen from the ATM at Thrissur.



7. Primary, the allegations relating to the theft of money to ATM is subject matter of separate criminal proceedings against the said accused, before the jurisdictional Court at Thrissur, with which, this Court is not concerned on it.

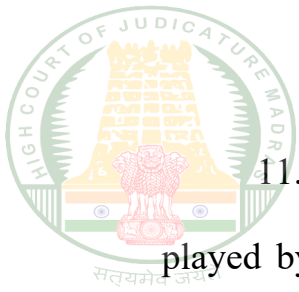
8. It appears that after the Container Lorry was intercepted, the Petitioner, who was attempted to flee with cash in the blue coloured bag, and at that time, and was injured by a gun shot fired by P.W.28. The case of the prosecution was that the second accused/A2 pelted irregular shaped stones, (P.M.O.6) to injure P.W.28.

9. The third accused/A3 (since deceased), who was driving the Container Lorry, also attempted to flee and that when he was intercepted and overpowered, he allegedly attempted to assault P.W.28 with an Iron Hook used for fastening vehicles inside the Container Lorry.

10. The conclusion of the Trial Court insofar as it relates to the Petitioner, reads as follows:-

“44. ....

*The 2<sup>nd</sup> accused Azhruddin @ Asru Ali abetted the offence committed by A3 Jumanndin (died) attempting to commit murder of PW 1 and committed offence of using criminal force against PW 28 preventing him from performing his duty,...*”



11. The case of the prosecution before the Trial Court as far as the role played by the accused/A2 and A3, who have been referred as driver and the accused respectively, in paragraph No.6(iv). Paragraph No.6(iv) is extracted below for the sake of clarity:

*“ 6. (iv) Approximately, they would have travel 4 to 5 kilometers. They hear the sound in the container back door. They stopped the vehicle and instructed the driver of container lorry to open the back door. He informed that it can be opened only with a hook. The iron hook was 1-1/2 feet in length. They all went and opened the back door. They found two persons inside the lorry. One of them holding blue colour bag. One Creta white colour car was found inside the container without number plate. The person holding blue bag spoke to the drive. Within few seconds the person holding the blue bag jumped from the container lorry crossed the central median and started running. The driver who was holding the hook assaulted him on the left side chest. This happened within 4 to 5 seconds. The driver also jumped and started running behind the blue bag holder. They were running 8 feet ahead of them crossing the road. Sub Inspector of Thiru. Ranjithkumar was chasing them. PW 28 also crossed the divider and ran behind them. The Sub-Inspector Thiru. Thangavadivel stood near the jeep taking care of the other accused. Sub-Inspector Thiru. Ranjithkumar was running in the distance of 10 feet. It was a bare land. After 500 feet there was a 6 feet hollow ground (பஞ்சு). Driver was holding the hook. When Thiru. Ranjithkumar caught the driver he immediately assaulted him with iron hook. The Sub-Inspector fallen down and was bleeding. The accused holding the bag ran to an extent of 10 to 20 feet on the hollow ground. The iron hook identified as PMO 2 and blue bag PMO 3. The driver was about to assault Sub-Inspector Thiru*



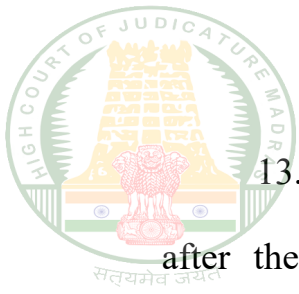
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*Ranjithkumar with the iron hook he was holding. PW 28 determined that the driver is about to commit murder of Thiru. Ranjithkumar, hence he immediately took his pistol which was loaded and shot the driver twice on his back. He then warned the accused who was going the blue bag don't move. But the accused started pelting stones on PW.28. Therefore, PW 28 left with no other option than to shoot on his both legs. All these happened within fractions of 30 seconds. The Sub-Inspector Thiru. Thangavadivel, Thiru. Praveen, Thiru. Raja, Thiru. Sreenivasan came there. PW.29 suffered pain and Sub-Inspector Thiru. Ranjithkumar suffered injury with bleeding. They informed the ambulance and all of them were taken to Government hospital for treatment. Pallipalayam Inspector examined Thiru. Ranjithkumar and recorded his statement. Deputy Superintendent of Police Thiru. Murugesan recorded the statement of PW.28. PW.28 handed over the pistol to his writer Saravanan. The pistol is PMO 23. He handed over his uniform PMO 24 to the investigating officer. He identifies the container lorry and Creta car.”*

*[emphasis supplied]*

12. Thus, it is evident that the Petitioner at best can be held guilty of the offence punishable under Section 132 of BNS, namely, “Causing assault or criminal against the Officer, Public servant to discharge duty” is made out against the Petitioner. *Prima facie*, records do not reveal an attempt to murder P.W.1 and P.W.28, by the Petitioner for being punished for the offence under Section 109 of BNS (353 of IPC)



13. There is no dispute that the Petitioner's leg was also amputated after the gunshot by P.W.28. It appears that the Petitioner has been in incarceration both during the investigation and after trial, the Trial Court had given its verdict of convicting the Petitioner along with the other accused. The Petitioner/Accused has been in continuous incarceration from 27.09.2024 till date i.e., for a period of about 622 days.

14. However, the matter requires detailed consideration with regard to the correctness of the findings recorded by the Trial Court, as well as the conviction and sentence imposed on the Petitioner/Accused - Appellant.

15. Considering the above facts and circumstances of the case, I am inclined to allow the petition seeking suspension of sentence insofar as the Petitioner/Appellant – A2 is concerned, subject to the following conditions:-

(i) The Petitioner/accused is ordered to be released on bail, on executing a bond **for a sum of Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned II-Additional District & Sessions Judge, Tiruchengode;**

(ii) The Petitioner/Appellant and the sureties shall affix their photographs and Left Thumb Impressions 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;



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**(iii) The Petitioner shall appear before the Trial Court once in a month, i.e., on the first working day of every English Calendar month at 10:30 A.M., until the disposal of the Criminal Appeal and if the Petitioner is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS 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;**

(iv) In breach of the above conditions, the Passport and Aadhar Card of the Petitioner/Appellant shall be surrendered to the learned Special Judge / Trial Court.

17. Accordingly, the Criminal Miscellaneous Petition stands ordered.

**08-06-2026  
(1/2)**

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To

1. The II-Additional District & Session Judge, Tiruchengode.
2. The Superintendent, Central Prison, Salem.
3. The Deputy Superintendent of Police, Veppadai Police Station, Namakkal.
4. The Public Prosecutor, High Court of Madras.



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**C.SARAVANAN, J.**

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