



Crl.MP.No.3331 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.3331 of 2026

in

Crl.A.No.210 of 2026

Koilraj

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Peerankaranai Police Station,
Chengalpattu District.
Crime No.54 of 2021.

...Respondent

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.158 of 2021 on the file of the Principal District and Sessions Court, Chengalpattu, vide judgment dated 26.08.2025.

For Petitioner : Mr.Boris.P.M

For Respondent : Ms.J.R.Archana, GA(Crl. Side)



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ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Principal District and Sessions Judge, Chengalpattu, in S.C.No.158 of 2021, vide judgment dated 26.08.2025.

2. The brief facts of the case are as follows:

2.1 The case of the prosecution is that the de facto complainant was working in the scrap godown of P.W.6, Murugesan, where the victim John Rajasingh was working as an Accountant and the accused Koilraj joined work in the said godown three days prior to the occurrence and as P.W.6, went to his native place for his daughter's marriage, the victim was taking care of the godown affairs. While so, as the accused consumed liquor during working hours, the victim informed the same to the said Murugesan, and subsequently, the said Murugesan, directed the victim to settle the account of the petitioner/accused. Aggrieved by the same, the petitioner/accused picked up a quarrel with the victim and attacked him brutally using a knife, which resulted in the death of the victim, viz., John Rajasingh. Hence, the FIR in Crime No.54 of 2021 came to be registered for the offence under Section 302 of IPC, based on the complaint given by one Srinivasan, P.W.1 and upon completion of investigation, the final

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report came to be filed before the Judicial Magistrate Court No.I, Tambaram, for the offence under Section 304(ii) of IPC and the same was later committed to the Principal District and Sessions Court, Chengalpattu and the same was taken on file in S.C.No.158 of 2021.

2.2 After conducting a full fledged trial, the trial court, vide impugned judgment, conviction and sentence the petitioner/appellant as under:-

<i>Under Section</i>	<i>Sentence</i>
304(ii) of IPC	To undergo ten years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that the alleged occurrence is said to have taken place on 30.01.2021 and though P.W.4 is said to be the eye witness to the alleged occurrence, the FIR in Crime No.54 of 2021 came to be registered for the offence under Section 302 of IPC, based on the complaint given by P.W.1, who is not the eye witness to the occurrence. He further submitted that the statement of P.W.4 was recorded only on 02.02.2021 and if at all, P.W.4 had witnessed the alleged occurrence, he would have immediately informed the same to the respondent-police instead of keeping quiet for about two days and the

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complaint would have been registered based on his statement. He also submitted that the petitioner has been in prison from the date of judgment and that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent vehemently opposed for grant of suspension of sentence stating that the charge against the petitioner is heinous in nature and that due to previous enmity, the petitioner picked up a quarrel with the victim and the petitioner assaulted the victim with a knife, which resulted in the death of the victim. Hence, the trial court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/ appellant guilty and convicted and sentenced him, as stated above and the same does not warrant interference.

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



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6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant that the petitioner has been in prison from the date of judgment ie., 26.08.2025, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his 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 Principal District and Sessions Judge, Chengalpattu and on further conditions that:-

(i) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.



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8. This criminal miscellaneous petition stands ordered accordingly.

9. Post the main appeal for hearing in the usual course.

13.03.2026

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To:

1. The Principal District and Sessions Judge,
Chengalpattu.
2. The Central Prison,
Puzhal-I, Chennai.
3. The Inspector of Police,
Peerankaranai Police Station,
Chengalpattu District.
4. The Public Prosecutor,
Madras High Court.



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