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Crl.MP Nos. 4240 and 4968 of 2026 in Crl A Nos. 250 and 293 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl MP Nos. 4240 and 4968 of 2026
in
Crl A Nos. 250 and 293 of 2026

Crl.M.P.No.4240 of 2026

Pawan, male Aged about 27 years
Son of Devaraj,
No.3/291, Soppati Village,
Hosur Taluk,
Krishnagiri District.

.. Petitioner

VS

State Represented by
The Inspector of Police,
Mathigiri Police Station, Hosur,
Crime No.02 of 2022
Krishnagiri District.

.. Respondent

Crl.M.P.No.4968 of 2026

1.Moorthi, S/o.Muniraj 24 yrs,
2.Suresh, S/o.Ramakrishnappa 24 yrs
3.Appu, S/o.Sivaappa, 23 yrs
4.Hemanth @ Hemakumar, S/o.Venkatesh 23 yrs
All are residing at Soppatti Village,
Achetipalli Post, Hosur Taluk, Krishnagiri District.

.. Petitioners



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VS

State Rep Inspector of Police,
Mathigiri Police Station, Hosur,
Krishnagiri District.
(Crime No.02 of 2022)

.. Respondent

Prayer in Crl.M.P.No.4240 of 2026: Criminal miscellaneous petition filed under Section 430 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence imposed by the Additional District & Session Judge, Hosur in S.C.No.131 of 2022, by the judgment dated by 08.12.2025 and enlarge the petitioners on bail pending disposal of the above appeal.

Prayer in Crl.M.P.No.4968 of 2026: Criminal miscellaneous petition filed under Section 430 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence passed on 08.12.2025 passed in S.C.No.131 of 2022 on the file of Additional Sessions Judge at Hosur by enlarging the petitioners on Bail, pending disposal of the Criminal Appeal on the file of this Hon'ble Court.

For Petitioner(s)

In Crl.M.P.No.4240 of 2026 : Mr.R.John Sathyan
Senior Counsel
for Mr.P.Divakar

In Crl.M.P.No.4968 of 2026 : Mr.V.Regunathan

For Respondent

In both the cases : Mr.S.Raja Kumar
Additional Public Prosecutor



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COMMON ORDER

(Made by SUNDER MOHAN, J.)

Crl.M.P.No. 4240 of 2026 has been filed by A2 and Crl.M.P.No. 4968 of 2026 has been filed by A3 to A6 seeking suspension of life sentence imposed on them for the offence under Section 302 IPC.

2. The case of the prosecution is that the A1 and the deceased were known to each other; that prior to the occurrence, their cars collided with each other and a wordy altercation took place; that enmity developed thereafter; that the deceased went to the house of A1 and picked up a quarrel; that on 31.12.2021 at about 6.00 pm, the accused met and conspired to do away with the deceased; and that on 1.1.2022, A1 passed on the information about the presence of the deceased to A2 to A6, who thereafter went to a mango grove belonging to one Viswanath (not examined) and indiscriminately attacked the deceased with weapons causing his death.

3. Mr.John Sathyan, learned Senior Counsel, appearing for A2 and MrV.Regunathan, learned counsel appearing for A3 to A6 would submit that the impugned judgment is liable to be set aside as there is no evidence to hold the petitioners guilty of the offences; that all the eye witnesses examined by the prosecution turned hostile; that the



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circumstances relied upon by the learned trial Judge also have not been established; and that in any case they do not form a complete chain pointing out only to the guilt of the accused and prayed for suspension of sentence.

4. Heard the learned Additional Public Prosecutor, who would submit that though eye witness turned hostile, the prosecution has established that the deceased suffered homicidal death and proved the motive for the occurrence. Learned Additional Public Prosecutor also relied upon the circumstances of the deceased seen in the company of the accused, prior to the occurrence and relating to the confession and recovery of the material objects.

5. We have perused the judgment and the relevant records. Admittedly, the eye witnesses PW2 to PW6 turned hostile. Therefore, the learned Judge had relied upon certain circumstances to hold the petitioners guilty of offence of murder. It is not in dispute that the deceased has suffered a homicidal death. However, the evidence of PW1 would show that apart from A1, the other accused, i.e., the petitioners had no motive as against the deceased. A1 is no more. The presence of the deceased in the company of A1 to A6 has also not been established by the prosecution. Therefore, we are prima facie, convinced that the prosecution had not established the major circumstances as against the



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accused and in any case, the circumstances do not form a complete chain pointing out only to the guilt of the accused. The petitioners have fair chances of success in the appeal. The appeals are not likely to be heard in the near future. Hence, we are inclined to suspend the sentence imposed on the petitioners.

6. Accordingly, this Criminal Miscellaneous Petitions stand allowed and the sentence of imprisonment imposed on the petitioners are suspended and the petitioners are granted bail on the following conditions:

- (i)The petitioners shall execute a bond for a sum of Rs.25,000/-, each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional Sessions Judge, Hosur.
- (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 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



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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.

[A.S.M, J.] [S.M, J.]
08.04.2026

Index:Yes/No

Neutral Citation:Yes/No

ssm

Note to Registry: Issue Today

To

- 1.The Inspector of Police,
Mathigiri Police Station, Hosur,
Krishnagiri District.
- 2.The Additional District and Session Judge,
Hosur.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent of Prison,
Central Prison, Salem.



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DR. ANITA SUMANTH,J.
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