



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

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

**Crl.M.P.No.6290 of 2026
and Crl.A.No.424 of 2026**

1. Saravanan
S/o. Chinna Narayanappa,
Marakatha Village,
Noganur Post,
Denkanikottai Taluk,
Krishnagiri District.

2. Ramu @ Ramakrishnan
S/o. Muthappa,
Marakatha Village,
Noganur Post,
Denkanikottai Taluk,
Krishnagiri District.

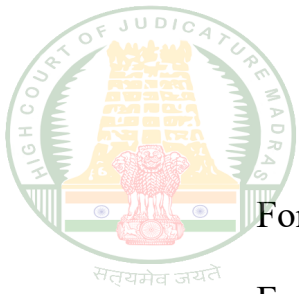
..Petitioners

Vs.

The State Rep. by
The Deputy Superintendent of Police
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.106/2019)

..Respondent

This Criminal Miscellaneous Petition has been filed under Section 389(1) & (2) of Cr.P.C r/w. Section 430(1) & (2) of the BNSS, 2023 praying to suspend the sentence imposed on the petitioners in S.C.No.05 of 2022 by the Learned Principal Sessions Judge, Krishnagiri and enlarge them on bail pending the disposal of the Criminal Appeal.



WEB COPY

Crl.M.P.No.6290 of 2
in Crl.A.No.424 of 2



For Petitioners : Mr.V.Anilkumar
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioners/Appellants seeking to suspend the sentence imposed on them by the learned Principal Sessions Judge, Krishnagiri vide Judgment dated 30.01.2026 in S.C.No.5 of 2022 and enlarge them on bail, pending disposal of the Criminal Appeal.

2. The conviction and sentence imposed on the Petitioners/Appellants are as follows:

Convicted for Offence	Sentence
Under Section 304(ii) of IPC	To undergo rigorous imprisonment for a period of 6 years and to pay a fine of Rs.1,000/- each, in default, to undergo 6 months simple imprisonment.

3. The learned counsel for the Petitioners/Appellants submitted that even as per the prosecution, the alleged incident is said to have happened during a quarrel which took place between the Petitioners/Appellants and Shankar (deceased) when they were playing cards after consuming alcohol. Based on the complaint given by P.W.1 (brother of the deceased Shankar), the



Respondent Police had registered the case in Crime No.106 of 2019 against the Petitioners/Appellants for the offences under Sections 294(b) & 323 of IPC on 22.04.2019. On 23.04.2019, Shankar died while he was taking treatment at the hospital and thereafter, the Investigating Officer had altered the provisions from Section 294(b) & 323 of IPC to Sections 294(b) and 302 of IPC.

3.1. The learned counsel for the Petitioners/Appellants submitted that even as per the evidence of P.W.4 (wife of the deceased Shankar), the deceased Shankar was said to have sustained injuries on 19.04.2019 and her evidence is not conclusive as to whether her husband Shankar had died due to the injuries he sustained on 19.04.2019 or 21.04.2019. Even taking into consideration the entire evidence at their face value, there is no pre-meditation or motive on the part of the Petitioners/Appellants who entered into the quarrel with the deceased and no weapon was used by the Petitioners/Appellants.

3.2. The learned counsel for the Petitioners/Appellants further submitted that there are arguable points available in the Criminal Appeal which is not likely to be taken up for final hearing in the near future and the Petitioners/Appellants have a fair chance of succeeding in the Criminal Appeal.

3.3. The learned counsel for the Petitioners/Appellants also submitted that during trial, the Petitioners/Appellants were granted bail and they had not



misused the liberty granted to them while they were on bail. The Petitioners/Appellants have been under the judicial custody since 30.01.2026.

Therefore, the sentence imposed on the Petitioners/Appellants may be suspended and they may be enlarged on bail.

4. *Per contra*, the learned Government Advocate (Crl.Side) appearing on behalf of the Respondent Police submitted that the Petitioners/Appellants are the friends of the deceased Shankar. On 21.04.2019, at around 11.30 p.m., when they were playing cards in an intoxicated state, there was a quarrel between them. At that time, the Petitioners/Appellants had punched Shankar on his stomach, due to which, Shankar sustained injuries. On 22.04.2019, at about 5.00 p.m., Shankar was admitted to the hospital. Thereafter, on 23.04.2019, Shankar died while he was taking treatment at the hospital. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for suspending the sentence imposed on the Petitioners/Appellants.

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

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also, taking note of the period of incarceration undergone by the Petitioners/Appellants, this



Court is inclined to grant the reliefs of suspension of sentence and bail to the Petitioners/Appellants, till the disposal of the Criminal Appeal, on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted to the Petitioners/Appellants, subject to the following conditions:

(i) The Petitioners/Appellants shall execute a bond, each for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Krishnagiri District;

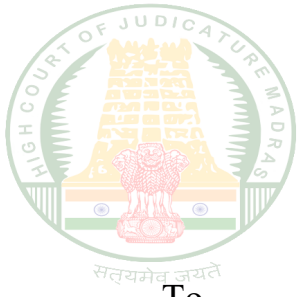
(ii) The sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identities;

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

8. This Criminal Miscellaneous Petition is ordered on the above conditions.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
mrr



To
WEB COPY

- 1.The Principal District and Sessions Judge,
Krishnagiri.
- 2.The Deputy Superintendent of Police
Denkanikottai Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY

Crl.M.P.No.6290 of 2
in Crl.A.No.424 of 2



A.D.JAGADISH CHANDIRA, J.

mrr

Crl.M.P.No.6290 of 2026
in Crl.A.No.424 of 2026

24-04-2026