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CRL MP No. 6616 of 2026 in Crl.A.No.270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-04-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL MP No. 6616 of 2026  
in CRL A NO. 270 OF 2022**

D.Murali  
S/o Devaraj,  
D.No.9, Veeravanchi Nagar,  
Majeeth Colony,  
Ukkadam, Coimbatore.

..Petitioner(s)

Vs

State represented by,  
The Inspector of Police,  
D3-Podanur Police Station,  
Coimbatore.  
Crime No.846 of 2017.

..Respondent(s)

**CRL A No. 270 of 2022**

D.Murali  
S/o Devaraj,  
D.No.9, Veeravanchi Nagar, Majeeth Colony,  
Ukkadam, Coimbatore.

..Appellant(s)

Vs

The State rep. by  
Inspector of Police,  
D3, Podhanur Police Station,  
Coimbatore (Crime No.846/2017)

..Respondent(s)



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**CRL MP No. 6616 of 2026**

Prayer: Petition filed under Section 430(i) of BNSS, 2023, to suspend the sentence imposed on the petitioner in SC.No.51 of 2018, by judgment dated 30.07.2019, and enlarge the petitioner on bail pending disposal of Crl.A.No.270 of 2022 and thus render justice.

**CRL A No. 270 of 2022**

Prayer: Appeal filed under Section 374(2) of Cr.P.C., to set aside the Judgment dated 30.07.2019 made in S.C.No.51 of 2018 on the file of Special Sessions Judge (Bomb Blast Cases), Coimbatore.

For Petitioner(s): Mr.P.V.Selvarajan  
for Mr.S.Muruganandham

For Respondent(s): Mr.S.Raja Kumar  
Additional Public Prosecutor

**ORDER**

**(Order of the Court was made by Sunder Mohan J.)**

The petitioner has sought for suspension of life sentence imposed on him for the offence under Section 302 IPC and to pay a fine of Rs.5,000/-, in default, to undergo two months simple imprisonment by the learned Special Sessions Judge (Bomb Blast Cases), Coimbatore.

2. It is the case of the prosecution that the petitioner a Hindu, married the deceased, who was a Christian, pursuant to a love affair; that



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a girl child was born one month prior to the occurrence that took place on 28.08.2017; that the deceased insisted that the girl child should be named as 'Riya' whereas the petitioner insisted the girl child to be named as 'Adhi Lakshmi'; that a quarrel arose between them on the day of occurrence; that the deceased is said to have told the petitioner that she would not change the name of the child and if the petitioner did not agree, he could leave the house; and that enraged by those words, the petitioner is said to have strangled the deceased and caused her death at about 11.30. p.m. on 28.08.2017.

3. The learned counsel for the petitioner would submit that the case is based on circumstantial evidence; that the circumstances relating to motive and last seen together have not been established conclusively by the prosecution; that in any case, the circumstances do not point out only to the guilt of the accused; that he has fair chance of success in the above appeal; and that the petitioner is in custody from 30.07.2019.

4. The learned Additional Public Prosecutor, *per contra* submitted that the occurrence took place in the house at Door No.23-B, Amir Sahib Street, Noorabath, Podanur, where the deceased and the petitioner were living separately; that the petitioner is bound to explain under Section 106



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of the Indian Evidence Act, as to how the death occurred, as the fact is exclusively within his knowledge and he has not done so; and that the motive has been established. He took us through the evidence of PW1, PW2, PW3 and the postmortem doctor [PW9] in support of his submission.

5. We have carefully considered the rival submissions and perused the records.

6. The prosecution seeks to rely upon the circumstance of motive, the fact that the deceased and the petitioner were living separately in the aforesaid address and the deceased was found dead in the said address.

7. As regards the motive, the prosecution had examined PW1 to prove that the petitioner and the deceased had an argument regarding the naming of the child at about 9.00 p.m. on 28.08.2017. We find from the cross-examination of the investigating officer that PW1 had not stated the said fact during the RDO enquiry and there are improvements in her version.

8. Be that as it may. As regards the place of occurrence, it is the defence case that the deceased was found unconscious in the house of the



mother of the deceased, which is at Door No.26/28, Majith Colony, Ukkadam, Coimbatore. PW5, the doctor who had made entries in the Accident Register [Ex.P.4] pertaining to the deceased had recorded the information received by her that the deceased was brought from the said address. PW5 further confirms the said fact in her cross examination. The RDO [PW14] in his report [Ex.P15] had stated that the deceased was found in the said house at Majith Colony. Therefore, in view of the above infirmities as regards the place of occurrence, it has to be examined in the appeal as to where the deceased was found and it is needless to say that if the deceased was found in her mother's house the burden under Section 106 of the Indian Evidence Act, cannot be placed on the petitioner. We are of the view that the petitioner has made out a *prima facie* case for suspension of sentence.

9. We also find that the petitioner is in custody from 30.07.2019 and the appeal is not likely to be taken up in the near future. Hence, considering all the above facts, we are inclined to grant the relief of suspension of sentence to the petitioner.

10. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and the sentence



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imposed on the petitioner is suspended on the following condition:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Sessions Judge, Special Court for Trial of Bomb Blast Cases, Coimbatore.

(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 petitioner 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.

List the Criminal Appeal in due course.

(A.S.M.,J.) (S.M.,J.)  
15-04-2026

mpl/ars

***Note to Registry: Issue order copy by 16.04.2026***



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To

1. The Inspector of Police,  
D3 Podanur Police Station,  
Coimbatore.
2. The Public Prosecutor, High Court of  
Madras.
3. The Superintendent of Prison, Central  
Prison, Coimbatore.
4. The Special Sessions Judge, Special Court  
for Trial of Bomb Blast Cases, Coimbatore.



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**DR.ANITA SUMANTH J.  
AND  
SUNDER MOHAN J.**

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