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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL.M.P.Nos.9083 & 9958 of 2026
in
CRL.A.Nos.670 & 716 of 2026

CNR:{HCMA010808412026}

CRL.M.P.No.9083 of 2026:

Vijayakumar @ Vijay
S/o. Mohan,
No.3/2, Bramanar Street,
Sathuvachari, Vellore District-632 009.

..Petitioner(s)

Vs

The State represented by
The Inspector of Police
Virudhampet Police Station,
Vellore District.

..Respondent(s)

CRL.M.P.No.9958 of 2026:

Akshay Kumar @ Akshay
S/o Rajendira Kumar,
Kumarappa Nagar,
Katpadi, Vellore- 632 007.

..Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
Virudhampet Police Station,
Vellore.

..Respondent(s)

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Prayer in CRL.M.P.No.9083 of 2026:

Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by judgment dated 27.10.2025 on the file of the I Additional District and Sessions Court, Vellore, in S.C.No.99 of 2021 and to enlarge him on bail pending disposal of the criminal appeal.

Prayer in CRL.M.P.No.9958 of 2026:

Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by judgment dated 27.10.2025 on the file of the I Additional District and Sessions Court, Vellore, in S.C.No.99 of 2021 and to enlarge him on bail pending disposal of the criminal appeal.

For Petitioner(s) in Crl.M.P.No.9083 of 2026:	Mr.T.Mohan, Senior Advocate assisted by Mr.S.Thirugnanam
For Petitioner(s) in Crl.M.P.No.9958 of 2026:	Mr.S.Kasirajan
For Respondent(s) in both petitions:	Mr.C.R.Malarvannan Additional Public Prosecutor

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COMMON ORDER

(made by A.D.Jagadish Chandira, J.)

These criminal miscellaneous petitions have been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 27.10.2025 on the file of the I Additional District and Sessions Court, Vellore, in S.C.No.99 of 2021 and to enlarge them on bail, pending disposal of the above criminal appeals.

2. The petitioners, who were the accused in S.C.No.99 of 2021 before the I Additional District and Sessions Court, Vellore, were convicted and sentenced as follows on 27.10.2025:

Accused	***Provision under which convicted***	***Sentence***
Akshay Kumar @ Akshay (A1)	Section 302 IPC	Life imprisonment and fine of Rs.25,000/-, in default to undergo three months simple imprisonment, each.
Vijayakumar @ Vijay (A2)	Section 302 r/w 109 IPC	

3. Challenging the aforesaid conviction and sentence, the petitioners have filed Crl.A.Nos.716 & 670 of 2026 along with the instant criminal miscellaneous petitions seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent/State.

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5. It is the case of the prosecution that on 18.12.2020, the witness Nethaji and his friends Deepak and the deceased Yogaraj celebrated Yogaraj's birthday by cutting cake and consuming liquor and thereafter, at 00.30 hours, went to Kalinjur lake to drink again; while they were resting behind the house of one Selvi, A1 to A3 came there in a motorcycle; A1 went into the house of Selvi, spoke to her sister and when he came back, he could not start his bike; at that time, Nethaji asked A1 as to whether the bike belongs to him or a stolen one; suddenly, A1 got provoked and abused Nethaji in filthy language and A2 also scolded him in filthy language; on the abetment of A2, A1 took a big stick nearby and assaulted on the head of Yogaraj, due to which, he fell down and thereafter, A1 took out a knife and stabbed Yogaraj on the neck; in continuation of the same transaction, A2 abused the witness Deepak and stabbed him on his chest with the intention to kill; on the abetment of A1, A3 stabbed Nethaji on his neck and head; later, all the three accused assaulted them with hands repeatedly with the common intention to murder them and thereafter, left the place; PW1 and Deepak took Yogaraj to CMC Hospital, Vellore, where, he was declared “brought dead”.

6. The learned counsel appearing for the second accused *viz*. Vijayakumar @ Vijay (petitioner in Crl.M.P.No.9083 of 2026) made the following submissions:

(a) It is the admitted fact by the eyewitnesses *viz*. Nethaji (PW1) and Deepak (PW20) that the accused are totally strangers to them, whereas, as per the

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FIR, which was registered belatedly on 19.12.2020 after 11.00 a.m., specific mentioning of the names of the accused along with the overt acts, creates a doubt.

(b) Further, there are interpolations in the FIR with regard to the weapons said to have been used in the occurrence.

(c) In the original statement, there is no mention about the accused having used a knife to assault the deceased.

(d) When the accused are absolute strangers, the prosecution has not taken any steps to conduct any Test Identification Parade to fix their identity.

(e) Even as per the prosecution, the eyewitnesses were in an inebriated condition and are said to have provoked A1 for the said occurrence.

(f) There was no intention or motive on the part of the accused in committing the offence.

(g) The accused were on bail during trial and they have not misused the liberty granted to them.

(h) There are arguable points in the appeal and the accused, in order to prove their case, also examined a witness and marked documents to disprove the case of the prosecution with regard to their arrest and identification.

(i) Though the alleged occurrence is said to have taken place behind the house of one Selvi, neither Selvi nor her sister was examined by the prosecution.

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7. The learned counsel appearing for the first accused *viz*. Akshay Kumar @ Akshay (petitioner in Crl.M.P.No.9958 of 2026) submitted that taking into consideration the case of the first accused, there is a chance of the case of the petitioner falling within the Exceptions to Section 300 IPC.

8. The learned Additional Public Prosecutor appearing for the respondent/State has filed a detailed counter and by relying on the same, he opposed for the grant of suspension of sentence and bail to the petitioners.

9. Taking into consideration the rival submissions and perusing the entire materials available on record, we are of the view that the petitioners have made out a *prima facie* case for suspending the sentence. The petitioners have raised substantial grounds in the appeals, which require detailed appraisal. Moreover, the petitioners have been in incarceration from the date of judgment. Further, the appeals are not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the reliefs of suspension of sentence and bail.

10. Accordingly, these criminal miscellaneous petition are allowed and the reliefs of suspension of sentence and bail are granted to the petitioners on the following conditions:

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(i) The petitioners shall execute a separate bond for a sum of Rs.15,000/-, with two sureties, each for a like sum, to the satisfaction of the I Additional District and Sessions Court, Vellore;

(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 Aadhaar card or bank pass book to ensure their identity;

(iii) The petitioners shall stay in Sankarankoil and appear before the Inspector of Police, Sankarankoil Town Police Station, Sankarankovil Road, Tamil Nadu 627 756, everyday at 10.30 a.m., until further orders; and

(iv) The petitioners shall not enter the jurisdictional limits of Virudhampet Police Station.

(A.D.J.C.,J.) (B.K.,J.)
29-10-2026

nsd

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To

1.The I Additional District and Sessions Judge,
Vellore.

2.The Inspector of Police
Virudhampet Police Station,
Vellore District.

3.The Inspector of Police,
Sankarankoil Town Police Station,
Sankarankovil Road, Sankarankovil,
Tamil Nadu 627 756.

4.The Superintendent of Prison,
Central Prison, Vellore.

5.The Public Prosecutor,
Madras High Court, Chennai.

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AND
B.KARTHIKEYAN J.

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