



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14010 of 2026

1. Maruthupandi
S/o.Kalyani, Santhanamariamman
Kovil Street, Melamatharai,
Nakkalampatti Post, Usilampatti Taluk,
Madurai District.

Petitioner(s)

Vs

1. State Rep. by The Inspector of Police
Avinashpalayam Police Station,
Tirupur. Crime No. 136/2016.

Respondent(s)

PRAYER

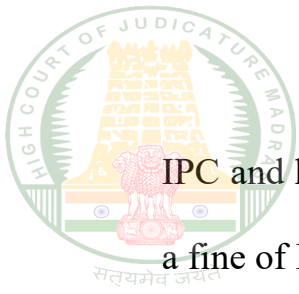
To call for the entire records in respect of the order passed by Learned Ist Additional District and Sessions Judge, Tirupur in Crl.M.P.No. 1/2026 in C.A.No. 31/2026 dated 22.04.2026 and set aside the same by suspending the sentence imposed upon the petitioner by the Learned Additional Assistant Sessions Judge (Additional Sub Court), Tirupur in S.C.No. 108/2018 dated 18.12.2025 and grant bail and thus render justice.

For Petitioner(s): Mr.T.Shanmugam

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

ORDER

The petitioner / A5, who is convicted by the Trial Court in SC.No.108 of 2018 for the offences punishable under Sections 457 r/w 109 and 395 r/w 397 of



IPC and he was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- for the offence under Section 457 r/w 109 of IPC, in default,

to undergo simple imprisonment for three months; sentenced to undergo rigorous imprisonment for seven years for the offence under Section 395 r/w 397 of IPC and the sentence to run concurrently.

2. Against the said conviction and sentence, the petitioner had preferred an appeal before the learned I Additional District and Sessions Judge, Tirpur, in C.A.No.31 of 2026 and suspension of sentence petition in Crl.M.P.No.1 of 2026. The learned I Additional District and Sessions Judge, Tirupur, by order dated 22.04.2026 admitted the appeal, but dismissed Crl.M.P.No.1 of 2026. Challenging the said order dated 22.04.2026, the present petition has been filed.

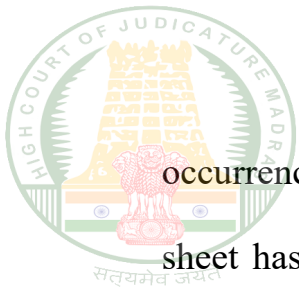
3. The case of the prosecution is that on 05.03.2016, at about 10.30 PM, one Sathisprabhu, Karuppusamy and Gnanambal were in their house. The petitioner along with other accused persons reached the residence of the witnesses and the petitioner had drove the car and took the other accused, viz., A1, A2, A3, A4 & A6 along with him and he was sitting in the car. The other accused got into the house to commit dacoity, threatened Gnanambal at knife point, compelled her to remove the jewels. The third accused said to have threatened Sathishkumar with a knife and they also tied up Karuppusamy and



Gnanambal. They also forcibly opened the bero, decamped with cash and jewellery. The accused had also taken away the jeweller, cash and also silver articles, valued around Rs.9,50,000/-. Based on the complaint, a case has been registered in Crime No.136 of 2016 on the file of the Avinashipalayam Police Station. After investigation, charge sheet filed. During trial, PW1 to PW15 examined and MO1 to MO14 were produced. On conclusion of trial, the accused persons were convicted as stated above.

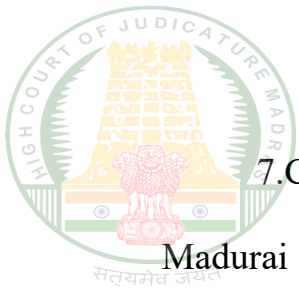
4.The contention of the learned counsel for the petitioner is that the petitioner has been arrayed as an accused based on the confession of co-accused. Even according to the prosecution, he had not entered the house of the witnesses where the dacoity was committed. Except for some recovery, there is nothing against to link the petitioner with the offences. Here, in this case, none of the witnesses have identified the petitioner. He further submitted that the Lower Appellate Court had dismissed the suspension of sentence petition for the reason that there are several cases against the petitioner. Further, the petitioner is a native of Madurai and the delay during trial has been attributed to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent objected to the suspension of sentence petition and stated that the



occurrence had happened in the year 2016 and only after investigation, charge sheet has been filed in the year 2018 and the trial was completed in the year 2025 after seen years, since the petitioner and other co-accused were alternatively absconding during trial. The petitioner hails from Madurai and he has no business in Tiruppur. The petitioner had taken all other co-accused along with him, identified the house in which the dacoity to be committed prior to which he had also made a notice to the house. Hence, he is one of the main accused for the dacoity and strongly opposed for allowing this petition. He further submitted that the petitioner is a life convict in another case in SC.No.42 of 2015 for the offences under Sections 294(b) IPC, 302 r/w 109 IPC and Section 506(ii) IPC and he was sentenced to life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment by judgment dated 25.01.2017.

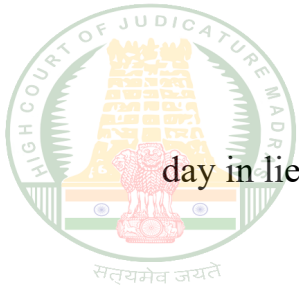
6.Considering the facts and circumstances of the case and the submissions made on both sides, the petitioner has been imprisoned from the date of conviction, i.e., from 25.01.2017, and during trial he was in prison. The only apprehension is that the petitioner is native of Madurai. Hence, he would not be available for the incident. In view of the above, the petitioner has filed this petition.



7. Considering the fact that the petitioner is native of Usulampatti, Madurai and the occurrence had taken place in Tirupur, and also the submission that the co-accused in this case also hail from same area. It is also reported that the sentence imposed on the co-accused were suspended in this case and they were granted bail. In view of the above, this Court is inclined to grant bail to the petitioner.

8. In view of the above, this Court is inclined to grant suspension of sentence till the disposal of C.A.No.31 of 2026 on the file of the lower appellate Court. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner by the trial Court in S.C.No.108 of 2018 is suspended till the disposal of C.A.No.31 of 2026 on the file of the lower appellate Court and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a likesum to the satisfaction of the lower appellate Court.

9. Further, the petitioner shall appear before the lower appellate Court on the first working day of every English calendar month commencing from July, 2026 at 10.30 a.m, till the disposal of C.A.No.31 of 2026. If he is not able to appear before the lower appellate Court on that day, he shall make arrangement to file an application under Section 317 Cr.P.C., and shall appear on any other



day in lieu of the date of his absence as directed by the lower appellate Court.

WEB COPY

10. In the result, this Criminal Original Petition is allowed and the impugned order dated 22.04.2026 in Crl.M.P.No.1 of 2026 in C.A.No.31 of 2026 passed by the learned I Additional District and Sessions Judge, Tirupur is set aside.

22-06-2026

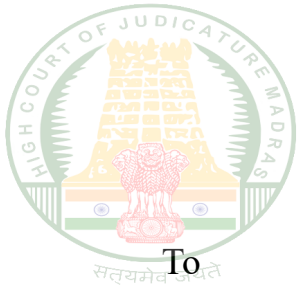
krk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

WEB COPY

1. The learned I Additional District and Sessions Judge,
I Additional District and Sessions Court,
Tirupur
2. The Learned Additional Assistant Sessions Judge,
(Additional Sub Court),
Tirupur.
3. The Inspector of Police
Avinashipalayam Police Station,
Tirupur.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

CRL OP No. 14010 of 2026



M.NIRMAL KUMAR J.

krk

CRL OP No. 14010 of 2026

22-06-2026