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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL MP No. 13775 of 2025
in
CRL.A.NO. 920 of 2025

N.Amutha
W/o.Nagaraj,
Muniappan Kovil Street,
10th Ward, Sundarapuram Road,
Madukkarai Market, Coimbatore District.

..Petitioner / Appellant/A2

Vs

The State Represented by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
In Crime Number 89/2021

..Respondent / Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed in Judgment and Conviction passed in S.C.No.69/2022 dated 29.04.2024 on the file of the I Additional District and Sessions Judge, Coimbatore and release the petitioner on bail pending Criminal Appeal and thus render justice.

For Petitioner(s): Mr.R.Narain Kalicharan

For Respondent(s): Mr.C.R.Malarvannan
Additional Public Prosecutor

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ORDER

(Order of the Court was made by A.D.Jagadish Chandira J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentences imposed on the petitioner by the judgment dated 29.04.2024 passed in S.C.No.69 of 2022 on the file of the learned I Additional District and Sessions Judge, Coimbatore, and to enlarge her bail, pending disposal of the appeal.

2. The case of the prosecution is that, on 20.04.2021, A1 Shankar appeared before PW1, the Village Administrative Officer of Madukkarai Village, and gave an extra-judicial confession stating that he had committed the murder of one Nagaraj, the husband of Amutha/A2/petitioner. Further, in his confession, he stated that he had developed illicit intimacy with A2 Amutha and that they used to meet on several occasions. He further stated that A2's husband had come to know about their relationship and had been harassing her. Consequently, both of them (he and Amutha/A2) decided to commit the murder of Nagaraj. In pursuance of the said plan, on 19.04.2021, at about 8.00 p.m., A2 went to Amala Minerals Company to meet A1 Shankar. The deceased Nagaraj, who followed A2, also came to the said company. At that time, A1 and A2 allegedly assaulted him by pushing him down. Thereafter, A1 repeatedly hit the

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deceased on his chest and head with a hammer and also strangulated him, resulting in his death at about 10.30 p.m. Thereafter, they buried his body within the premises of the company. On the next day, apprehending that the police would take action against them, they surrendered before PW1, the Village Administrative Officer.

3. Based on the complaint lodged by the Village Administrative Officer, a case was registered in Crime No.89 of 2021 for the offences punishable under Sections 302 and 201 of the IPC. Upon completion of the investigation, the respondent police filed a final report before the learned Judicial Magistrate, Madukkarai. The case was taken on file in P.R.C.No.9 of 2021. After the appearance of the accused and compliance with the provisions of Section 207 Cr.P.C., the case was committed to the Court of Session, where it was numbered as S.C.No.69 of 2022 and made over to the learned I Additional District and Sessions Judge, Coimbatore, for trial.

4. The Trial Court framed charges against A1 under Sections 302 and 201 IPC and against A2 under Sections 302 read with 34, 342 and 201 IPC. During the initial questioning in respect of the charges, the accused denied the same and sought to be tried. On the side of the prosecution, P.W.1 to P.W.15 were examined, and Exs.P1 to P33 and M.Os.1 to 6 were marked.

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5. Upon considering the oral and documentary evidence on record and hearing the arguments advanced on either side, the Trial Court found the petitioner/A2 guilty and convicted and sentenced her by judgment dated 29.04.2024 as follows:

Accused	***Provision under which convicted***	***Sentence***
A2	Section 302 r/w 34 of IPC	Life Imprisonment and to pay a fine of Rs.5000/-, in default to undergo six months of Simple Imprisonment.
	Section 342 IPC	Simple imprisonment for one year
	Section 201 IPC	Simple Imprisonment for two years and to pay a fine of Rs.1000/-, in default to undergo six months of Simple Imprisonment.

6. Challenging the aforesaid conviction and sentence, the petitioner has preferred Crl.A.No.920 of 2025 along with Crl.M.P.No.13775 of 2025 seeking suspension of the sentences imposed on her and enlargement on bail.

7. Heard Mr. R. Narain Kalicharan, learned counsel appearing for the petitioner and Mr. C. R. Malarvannan, learned Additional Public Prosecutor appearing for the respondent/State.

8. The learned counsel appearing for the petitioner submitted that the prosecution case rests entirely on circumstantial evidence. The case came to be

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registered based on the alleged extra-judicial confession said to have been made by A1 before the Village Administrative Officer (PW1) with regard to the occurrence. Apart from the alleged extra-judicial confession made by A1, there is absolutely no material available against the petitioner. The learned counsel further submitted that PW2 is the brother of the deceased and according to his evidence, he came to know on the afternoon of 19.04.2021 that the accused had assaulted his brother. He further deposed that he went to the company, where he found his brother's body covered with sand. If that be so, he would have lodged a complaint on 19.04.2021 itself. However, the manner in which the case came to be registered raises serious suspicion regarding the prosecution case. The learned counsel further submitted that the petitioner was on bail during the trial and had not misused the liberty granted to her.

9. Per contra, the learned Additional Public Prosecutor appearing for the respondent, relying on the detailed counter-affidavit filed by the respondent, submitted that the petitioner / A2 had developed illicit intimacy with A1. On coming to know of the same, her husband (deceased) started harassing her. Consequently, the petitioner/A2 and A1 conspired to commit his murder. On the night of 19.04.2021, the petitioner/A2 went to the company where A1 was present. Her husband, the deceased, followed her and also reached the said company. There, A1 and A2 assaulted him and, after committing the murder,

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buried his body with the intention of screening the evidence. The Trial Court, upon considering the evidence on record, rightly found the accused guilty. Hence, the learned Additional Public Prosecutor opposed the grant of suspension of sentence.

10. We have carefully considered the rival submissions and perused the materials available on record.

11. On a perusal of the evidence of PW2, it is seen that he had come to know about the death of the deceased on the afternoon of 19.04.2021 itself. He had also seen the body on the same day. He further deposed that he came to know that his brother had been assaulted by the accused at the company and that, when he went there, he found the body covered with sand. He also stated that the police and the Tahsildar were present at the scene.

12. In the light of the aforesaid evidence, we are of the view that the petitioner /A2 has made out a prima facie case for suspension of sentence. The petitioner has raised substantial grounds in the appeal, which require detailed consideration at the time of final hearing. Moreover, the petitioner has been in incarceration since the date of the impugned judgment. In such circumstances,

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this Court is of the view that the petitioner is entitled to the reliefs of suspension of sentence and enlargement on bail.

13. Accordingly, this Criminal Miscellaneous Petition is allowed, and the sentences imposed on the petitioner / A2 by the judgment dated 29.04.2024 passed in S.C.No.69 of 2022 on the file of the learned I Additional District and Sessions Judge, Coimbatore, are suspended and the petitioner / A2 is enlarged on bail, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.15,000/-, with two sureties, each for a like sum, to the satisfaction of the learned I Additional District & Sessions Judge, 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 Aadhaar card or bank pass book to ensure their identity; and

(iii) The petitioner shall appear before the I Additional District & Sessions Judge, Coimbatore, on the first working day of every English calendar month at 10.30 a.m. until further orders.

(A.D.J.C.,J.) (B.K.,J.)
23-11-2026

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

1. The learned I Additional District & Sessions
   Judge, Coimbatore

2. The Inspector of Police,
   Madukkarai Police Station,
   Coimbatore District.

4.The Superintendent of Prison
  Central Prison, Coimbatore.

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

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