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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL.MP.Nos. 19293 & 19294 of 2026
in
CRL.A.NO. 208 of 2025 and CRL.A.NO. 1037 OF 2024

Mohammed Zubher
S/o Auyuf,
Now confined at Central Prison,
Coimbatore.
Permanent address,
No.236, Thomsonpettai,
Kaveripattinam,
Krishnagiri District.

.. Petitioner / Appellant
in Crl.MP.No.19293 of 2026
in Crl.A.No.208 of 2025

Vijayabalaji
S/o Balamurugan,
No.61/1, Mariamman Kovil Street,
Mambakkam, Ulunthurpettai,
Villupuram District – 606 107.
Presently confined in Central Prison,
Coimbatore.

.. Petitioner / Appellant
in Crl.MP.No.19294 of 2026
in Crl.A.No.1037 of 2024

Vs

The State Rep. by its,
The Inspector of Police
Mangalam Police Station,
Tiruppur District.
Crime No.111 of 2022

..Respondent / Respondent in both
Crl.MP.Nos.19293 & 19294 of 2026 in
C.A.Nos. 208 of 2025 & 1037 of 2024

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Prayer in Crl.MP.No.19293 of 2026 : Criminal Miscellaneous Petition filed under Section 430 (1) BNSS, to suspend the sentence imposed by the order passed against the petitioner in S.C.No.23 of 2023 on 06.02.2024 by the Learned Principal Sessions Judge, Tiruppur enlarge the Petitioner on bail pending disposal of the above said criminal appeal and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in Crl.MP.No.19294 of 2026 : Criminal Miscellaneous Petition filed under Section 430 (1) BNSS, to suspend the sentence imposed in judgment in S.C.No.23 of 2023 dated 06.02.2024 passed by the Learned Principal Sessions Judge, Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Hon'ble Court and thus render justice.

For Petitioner(s): Mr. P.Thinesh in Crl.MP.No.19293 of 2026
Mr.B.Shruthan in Crl.MP.No.19294 of 2026

For Respondent(s): Mr. C.R.Malarvannan,
Additional Public Prosecutor
in both Crl.MP.Nos.19193 & 19294 of 2026

COMMON ORDER

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

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentences imposed on the petitioners by the judgment dated 06.02.2024 passed in S.C.No.23 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur, and to enlarge them on bail, pending disposal of the appeals.

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2. The case of the prosecution is that the accused persons induced the deceased, Raj Kumar, and the de facto complainant, PW1, to work at a poultry farm in Namakkal. When they expressed their inability to attend to the work on the same day, a quarrel arose between them and the accused persons. Thereafter, the accused Nos. 1 to 4 allegedly detained and assaulted the deceased and the de facto complainant with wooden logs, belts and their hands and legs, causing injuries to them. It is further alleged that the accused persons transported them in a Maruti EECO vehicle bearing Registration No.TN 42 AF 6505 towards Velampalayam, Chinnakarai, near the Neelakadu canal. On noticing that Raj Kumar had died, they allegedly abandoned his body at an isolated place near the canal and dropped PW1 in a secluded place. They also allegedly removed the deceased's mobile phone and SIM card and disposed of them at different places to screen the offence.

3. Based on the complaint given by the de facto complainant, PW1, a case in Crime No.111 /2021 was registered by the respondent police for the offences punishable under Sections 342, 324, 307, 302 and 201 read with Section 302 IPC. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate, Tiruppur. The case was taken on file in P.R.C.No.84 of 2022. After the appearance of accused persons and compliance with Section 207 Cr.P.C., the case was committed to the Court of the learned Principal Sessions Judge, Tiruppur, where it was taken up for trial in

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S.C.No.23 of 2023. On the side of the prosecution, PW1 to PW13 were examined, and Exs.P1 to P29 and MOs.1 to 7 were marked.

4. The petitioners, who were arrayed as accused Nos. 3 and 4 in S.C.No.23 of 2023 before the learned Principal Sessions Judge, Tiruppur, were convicted and sentenced by judgement dated 06.02.2024 as follows:

Accused	***Provision under which convicted***	***Sentence***
A3 and A4	Section 342 IPC	Rigorous Imprisonment for One Year and to pay a fine of Rs.1000/-, in default to undergo further Rigorous Imprisonment for three months, each
	Section 302 IPC	Life Imprisonment and to pay a fine of Rs.2000/-, in default to undergo further rigorous imprisonment for three months, each.
	Sections 201 read with 302 IPC	Rigorous Imprisonment for Seven years and to pay a find of Rs.2000/-, in default to undergo further rigorous imprisonment for three months, each.
	Section 307 IPC	Rigorous Imprisonment for Seven years and to pay a fine of Rs.2000/-, in default to undergo further rigorous imprisonment for three months.
The aforesaid sentences were ordered to run concurrently.		

5. Challenging the aforesaid conviction and sentence, the petitioners have preferred Crl.A.No.1037 of 2024 and Crl.A.No.208 of 2025, respectively. Pending the appeals, the petitioner /A3 has filed Crl.M.P.No.19294 of 2026, and the petitioner /A4 has filed Crl.M.P.No.19293 of 2026, seeking suspension of their respective sentences and enlargement on bail.

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6. Heard Mr. P.Thinesh, learned counsel appearing for the petitioner in Crl.MP.No.19293 of 2026; Mr.B.Shruthan, learned counsel appearing for the petitioner in Crl.MP.No.19294 of 2026; and the learned Additional Public Prosecutor appearing for the respondent/State.

7. The learned counsel appearing for the petitioners submitted that the trial Court failed to properly appreciate the contradictions in the evidence of PW1. He contended that PW1 admittedly knew only Hindi, whereas the complaint was stated to have been recorded in Tamil based on the statement made by him in Hindi through a police personnel, namely Ramesh. However, the said police personnel was not examined by the prosecution. The learned counsel further submitted that although PW1 claimed that the occurrence had taken place at the premises equipped with CCTV cameras, the prosecution had failed to recover or produce the relevant CCTV footage. It was also contended that PW13 had allegedly seen the CCTV footage, but the same was not produced before the trial Court. Further, the prosecution had not conducted any identification parade in respect of the accused persons. The learned counsel submitted that the petitioners had raised several substantial grounds in the appeals which warrant detailed consideration. He also submitted that the appeals are not likely to be taken up for hearing in the near future.

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8. Per contra, the learned Additional Public Prosecutor, relying on the counter-affidavit filed on behalf of the respondent, vehemently opposed the petitions. The learned Additional Public Prosecutor submitted that the petitioners had assaulted PW1 and his deceased brother when they refused to work at the poultry farm. It was further submitted that PW1, who sustained injuries in the occurrence, had spoken about the incident, and that the trial Court had rightly appreciated the evidence on record and convicted the petitioners. Hence, the learned Additional Public Prosecutor sought dismissal of the petitions.

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 suspension of their sentences. The petitioners have raised substantial grounds in the appeals, which require detailed consideration at the time of final hearing. Moreover, the petitioners have been in incarceration for more than three years, including the period of their detention prior to conviction. Further, the appeals are not likely to be taken up for hearing in the near future. In such circumstances, this Court is of the view that the petitioners are entitled to the reliefs of suspension of sentence and enlargement on bail.

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10. Accordingly, these Criminal Miscellaneous Petitions are allowed, and the sentences imposed on the petitioners by the judgment dated 06.02.2024 passed in S.C.No.23 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur, are suspended, subject to the following conditions:

(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 learned Principal Sessions Judge, Tiruppur;

(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 petitioners shall appear before the learned Principal Sessions Judge, Tiruppur, 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.)
27-10-2026

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

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To

1.The learned Principal Sessions Judge, Tiruppur.

2.The Inspector of Police
Mangalam Police Station,
Tiruppur District.

3.The Superintendent of Prison
Central Prison, Coimbatore.

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

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