Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL.MP.Nos. 20570 & 20642 of 2025
in
CRL.A.Nos. 1690 & 1692 of 2025

1. M.Kumar,
   S/o. Murugesan,
   Mariyamman Kovil Street, Pallipattu,
   Thookkanampakkam Post,
   Cuddalore Taluk.
2. M.Krishnaraj
   S/o. Murugesan,
   Tank Street, Pallipattu,
   Thookanampakkam Post, Cuddalore Taluk.

(The accused are now confined at Central Prison, Trichy)

.. Petitioners / Appellants
in Crl.MP.No.20570 of 2025
in Crl.A.No.1690 of 2025

1. T.Venkatesan
   S/o. Thirumalai,
   New Colony, Pallipattu,
   Thookkanampakkam Post, Cuddalore Taluk.
2. N.Maniyarasan
   S/o. Nagappan,
   Mariyamman Kovil Street,
   Pallipattu, Thookanampakkam Post,
   Cuddalore Taluk.
3. U.Vinothkumar @ Vinoth,
   S/o.Ulaganathan, Mariyamman Kovil Street,
   Pallipattu, Thookanampakkam Post,
   Cuddalore Taluk.
4. U.Bharathidasan,
   S/o. Ulaganathan,
   No.6/3, Mariyamman Kovil Street,
   Pallipattu, Thookananmpakkam Post,
   Cuddalore Taluk.

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5. R.Aravind,
S/o. Rajaian, Tank Street,
New Nagar, Pallipattu, Thookkanampakkam Post,
Cuddalore Taluk.
6. K.Bharathraj @ Bharath
S/o. Krishnaraj,
No.85/135, Mariyamman Kovil Street,
Pallipattu, Thookanampakkam Post,
Cuddalore Taluk.
(The accused are now confined at Central Prison, Cuddalore)

.. Petitioners / Appellants
in Crl.MP.No.20642 of 2025
in Crl.A.No.1692 of 2025

Vs

The State Represented by
The Inspector of Police
Thookkanampakkam
Police Station,
Cuddalore District.
Crime No.34 of 2024

..Respondent / Respondent in both
Crl.MP.Nos.20570 & 20642 of 2025 in
C.A.Nos. 1690 & 1692 of 2025

Prayer in Crl.MP.No.20570 of 2025: Criminal Miscellaneous Petition filed under Section 430 BNSS, to suspend the sentence imposed in Judgment and Conviction passed in S.C.No.11 of 2021 dated 07.10.2025 on the file of the learned 1st Additional District and Sessions Judge, Cuddalore and release the petitioner on bail pending disposal of Criminal Appeal and thus render justice.

Prayer in Crl.MP.No.20642 of 2025 : Criminal Miscellaneous Petition filed under Section 430 BNSS, to suspend the sentence imposed in Judgment and Conviction passed in S.C.No.11 of 2021 dated 07.10.2025 on the file of the learned 1st Additional District and Sessions Judge, Cuddalore and release the petitioner on bail pending disposal of Criminal Appeal and thus render justice.

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For Petitioner(s): Mr. B.M.Subash in Crl.MP.No.20570 of 2025
and Crl.MP.No.20642 of 2025 for P1 to P5
Mr.A.Arasu Ganesan for P6
in Crl.MP.No.20642 of 2025

For Respondent(s): Mr. C.R.Malarvannan,
Additional Public Prosecutor
in both Crl.MP.Nos.20642 & 20570 of 2025

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 07.10.2025 passed in S.C.No.11 of 2021 on the file of the learned I Additional District and Sessions Judge, Cuddalore, and to enlarge them on bail, pending disposal of the appeals.

2. The case of the prosecution is that, owing to an election dispute, the accused persons, in furtherance of a criminal conspiracy, formed an unlawful assembly and assaulted the deceased, Kamalakkannan, his brother and the de facto complainant, Janarthanan, who were standing near the Mariyamman Temple at Pallipattu, in the vacant site belonging to one Bangaru Reddiar. The accused persons allegedly attacked them with wooden legs, iron rods and their hands, resulting in injuries to the deceased and the de facto complainant.

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3. Based on the complaint given by the de facto complainant, PW1, a case in Crime No.34 of 2020 was registered by the respondent police on 15.04.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 IPC. Subsequently, while P.W.1 and his brother were undergoing treatment, Kamalakkannan died on 17.04.2020. Thereafter, the case was altered to one under Sections 120B, 147, 148, 294(b), 323, 324, 326, 506(ii) and 302 IPC.

4. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate No.1, Cuddalore. The case was taken on file in P.R.C.No.20 of 2020. After the appearance of accused persons and compliance of provisions under Section 207 Cr.P.C., the case was committed to the Court of Session where it was numbered as S.C.No.11 of 2021 and made over to the learned I Additional District & Sessions Judge, Cuddalore, for trial.

5. The Trial Court framed charges against A1 under Sections 120-B read with Section 302, 148, 294(b), 302 read with Section 34, 326 read with Section 34 and 506(ii) of IPC, and against A2 to A10 under Sections 120-B read with Section 302, 148, 302 read with Section 34, 326 read with Section 34 and 506(ii) of IPC. During the course of the trial, A9 died, and the charges against

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him stood abated. On the side of the prosecution, P.W.1 to P.W.18 were examined, and Exs.P1 to P25 and M.Os.1 to 4 were marked.

6. During the initial questioning in respect of the charges, the accused denied the same and sought to be tried. Upon considering the oral and documentary evidence on record and hearing the arguments advanced on either side, the trial Court found the petitioners / accused Nos. 1 to 4 and 6 to 8 & 10 guilty, and convicted and sentenced them by judgement dated 07.10.2025, as follows:

Accused	***Provision under which convicted***	***Sentence***
A1 to A4 and A6 to A8 & A10	Section 120B read with 302 of IPC	Life Imprisonment and to pay a fine of Rs.1000/-, in default to undergo two months of Simple Imprisonment, each.
	Section 148 IPC	Rigorous imprisonment for three years, each.
	Sections 302 read with 34 of IPC	Life Imprisonment and to pay a fine of Rs.1000/-, in default to undergo two months of Simple Imprisonment, each.
	Sections 326 read with 34 of IPC	Rigorous Imprisonment for ten years and to pay a fine of Rs.1000/-, in default to undergo two months of Simple Imprisonment, each.
	Section 506(ii) of IPC	Rigorous Imprisonment for seven years.

7. Challenging the aforesaid conviction and sentence, the petitioners have preferred Crl.A.No.1690 of 2025 along with Crl.MP.No.20570 of 2025 filed by

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A1 and A4; and Crl.A.No.1692 of 2025 along with Crl.MP.No.20642 of 2025 filed by A2, A3, A6, A7, A8 and A10, seeking suspension of their respective sentences and enlargement on bail.

8. Heard Mr. B.M.Subash, learned counsel appearing for the petitioners in Crl.MP.No.20570 of 2025 and the learned counsel appearing for the petitioners 1 to 5 in Crl.MP.No.20642 of 2025; Mr.A.Arasu Ganesan, learned counsel appearing for the sixth petitioner in Crl.MP.No.20642 of 2025; and the learned Additional Public Prosecutor appearing for the respondent/State.

9. The learned counsel appearing for the petitioners submitted that the trial Court failed to properly appreciate the contradictions in the evidence of the witnesses. The learned counsel drew the attention of this Court to the accident register marked as Ex.P10, relating to the deceased, Kamalakkannan. According to the said document, the deceased was admitted to the hospital by a relative, stated to be his brother, at about 10.15 p.m. on 14.04.2020. It was also recorded therein that the deceased had been assaulted by five unknown persons.

10. The learned counsel further submitted that P.W.1, Janarthanan, was stated to have been admitted to the hospital at about 10.30 p.m. on 14.04.2020, as reflected in the accident register marked as Ex.P11, and that he had been brought by a relative, namely Arokyadoss. However, the said Arokyadoss was

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not examined as a witness. The learned counsel also submitted that the complaint was lodged at 6.00 a.m. on the next day i.e., 15.04.2020, after deliberation, implicating ten persons and attributing specific overt acts to each of the accused. The learned counsel also pointed out the unexplained delay of about eight hours in lodging the complaint and the fact that the FIR reached the Court only at 5.20 p.m. on the same day. According to the learned counsel, these material aspects were not properly considered by the Trial Court.

11. The learned counsel further submitted that P.W.2 to P.W.4, who were stated to be eyewitnesses to the occurrence, had not supported the prosecution case and had turned hostile. He also submitted that the petitioners had been on bail during the trial and had not misused the liberty granted to them. The petitioners have been in custody since the date of the impugned judgement i.e., 07.10.2025. The learned counsel submitted that the petitioners have raised several substantial grounds in the appeals which warrant detailed consideration. He further submitted that the appeals are not likely to be taken up for hearing in the near future.

12. Per contra, the learned Additional Public Prosecutor appearing for the respondent filed counter-affidavits opposing the petitions. Relying on the counter-affidavits, the learned Additional Public Prosecutor submitted that, owing to previous enmity arising out of an election dispute, the accused persons

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had formed an unlawful assembly and assaulted the deceased and his brother, P.W.1, with wooden logs, iron rods and their hands, causing injuries to them. He further submitted that the deceased and P.W.1 were admitted to the hospital on 14.04.2020 at about 10.30 p.m. and that the deceased subsequently died on 17.04.2020. The learned Additional Public Prosecutor further submitted that the Trial Court had properly appreciated the evidence on record and rightly convicted and sentenced the petitioners. Hence, the learned Additional Public Prosecutor sought dismissal of the petitions.

13. 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 from the date of the impugned judgment. 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.

14. Accordingly, these Criminal Miscellaneous Petitions are allowed, and the sentences imposed on the petitioners by the judgment dated 07.10.2025 passed in S.C.No.11 of 2021 on the file of the learned I Additional District &

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Sessions Judge, Cuddalore, 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 I Additional District & Sessions Judge, Cuddalore;

(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 stay in Erode and appear before the Inspector of Police, Erode Town (Bazaar) Police Station, Erode Main Road, Marapalam, Erode, Tamil Nadu 638 001, everyday at 10.30 a.m. until further orders.

(A.D.J.C.,J.) (B.K.,J.)
28-10-2026

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

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To

1.The learned I Additional District &
Sessions Judge, Cuddalore;

2.The Inspector of Police
Thookkanampakkam Police Station,
Cuddalore District.

3. The Inspector of Police,
Erode Town (Bazaar) Police Station,
Erode Main Road, Marapalam,
Erode, Tamil Nadu 638 001.

4.The Superintendent of Prison
Central Prison, Trichy.

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

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AND
B.KARTHIKEYAN J.

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