



CRL MP(MD). No.1119 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/03/2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE P. DHANABAL**

CRL.M.P(MD). No.1119 of 2026

in

Crl.A(MD).No.83 of 2026

Piraisan

... Petitioner

Vs

The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.175 of 2021.

... Respondent

PRAYER :- To suspend the sentence and release the petitioner on bail pending disposal of this appeal before this Court as against the judgement in S.C.No.28 of 2024 passed by the learned Principal District Judge, Tenkasi, dated 16.09.2025.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by N.ANAND VENKATESH, J.]

This petition has been filed seeking suspension of the sentence of imprisonment imposed on the petitioner in S.C.No.28 of 2024 by the learned Principal District Judge, Tenkasi, by judgment dated 16.09.2025, and to enlarge the petitioner on bail.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the petitioner is the son of the deceased. The petitioner was addicted to alcohol. On 17.06.2021, at about 10.30 p.m., the deceased had returned home after completing his work. At that point of time, the petitioner is said to have demanded money from the deceased to consume alcohol, and when it was refused by the deceased, enraged by the same, the petitioner is said to have attacked the deceased with a firewood stick on the middle of the neck and head, and on its impact, the deceased fell against the vessel and sustained fatal head injury, resulting in his instantaneous death. The



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accused person is said to have confessed to the crime by giving an extra-judicial confession to the VAO/P.W.1, based on which, an FIR came to be registered in Crime No.175 of 2021 for the offences under Sections 294(b), 302 and 506(ii) of IPC. The Trial Court, by judgment dated 16.09.2025, made in S.C.No.28 of 2024, convicted the petitioner for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment. The petitioner was acquitted from the other charges. Aggrieved by the same, the present appeal has been filed.

4. This Court carefully considered the submissions made on either side and the materials available on record.

5. The prosecution has strongly relied upon the evidence of P.W.3, who is the eyewitness to the incident. He has explained the manner in which the incident had taken place. On going through the evidence, it is seen that there was a wordy quarrel between the deceased and the accused and all of a sudden, the accused person had picked up the firewood stick available and given a blow to the deceased and as a result,



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the deceased fell against the vessel, collapsed to the ground, and sustained fatal head injury, which resulted in his death. Subsequently, the accused person is said to have given the extra-judicial confession to P.W.1.

6. The learned Additional Public Prosecutor, on instructions, submitted that there are three previous cases against the petitioner, out of which, in one case, the petitioner was convicted in C.C.No.389 of 2025 by the learned Judicial Magistrate, Tenkasi, by judgment dated 30.10.2025 for the offence under Section 74 of BNS, 2023 and Section 4 of the TNPHW Act.

7. On considering the *prima facie* materials available before this Court, this Court has to see whether an offence under Section 300 of IPC has been made out for conviction under Section 302 of IPC or whether the facts of the present case fall under any of the exceptions under Section 300 of IPC, punishable under Section 304 of IPC. The petitioner has suffered incarceration in this case for the period from 17.06.2021 to 18.05.2022 and thereafter, from 03.11.2023 to 02.04.2025 and from the



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date of judgment, that is on 16.09.2025, till date. Since a prima facie case has been made out, and considering the sentence already undergone by the petitioner and also considering the fact that the appeal cannot be taken up for final hearing in the near future, and taking note of the previous cases against the petitioner, this Court is inclined to grant suspension of sentence, suspending the sentence imposed against the petitioner and accordingly, this petition is allowed on the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Principal District Court, Tenkasi.

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 Aadhar card or Bank passbook to ensure their identity.



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iii. The petitioner shall appear and sign before the trial

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Court on every Monday at 10.30 a.m., till the disposal of the Criminal Appeal.

[N.A.V., J.] & [P.D.B., J.]

17.03.2026

NCC : Yes / No

Index : Yes / No

Indu

To

1. The Principal District Court, Tenkasi.
2. The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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