



CRL MP(MD). No.1342 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/04/2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

**CrI.M.P(MD). No.1342 of 2026
in
CrI.A(MD).No.101 of 2026**

1.Sewag @ Vikram

2.Chandrakumar

... Petitioners

Vs

The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
Crime No.272 of 2022.

... Respondent

PRAYER :- To suspend the sentence of imprisonment imposed on the petitioners in S.C.No.19 of 2023, dated 19.07.2025 by the learned Principal Sessions Judge, Theni and enlarge the petitioners on bail, pending disposal of the above criminal appeal.

For Petitioners : Mr.C.Susi Kumar

For Respondent : Mr.A.Thiruvadi Kumar
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 sentence of imprisonment imposed on the petitioner by the learned Principal Sessions Judge, Theni in S.C.No.19 of 2023, dated 19.07.2025, to enlarge the petitioner on bail.

2. The case of the prosecution is that the accused persons used to consume liquor near the community cart used for procession in funeral in the local village and they used to abuse the general public in filthy language. On 28.07.2022 at about 7.30 PM, the deceased was returning back home and he noticed the accused persons consuming liquor. He shouted at them and there was a wordy quarrel. At that time, A1 and A2 are said to have attacked the deceased with hands on his chest and the deceased fell down. A3 and A4 assaulted with legs on his chest and A5 is said to have attacked with a wooden log. The deceased ultimately died due to myocardial infarction. An FIR came to be registered in Crime No.272 of 2022 for the offence under Sections 147, 148, 302 r/w. 149 of



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IPC against five accused persons. The petitioners were arrayed as A3 and A5 in this case.

3. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubt. Accordingly, convicted and sentenced the petitioners as follows:

<i>Accused Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A3	Sec. 302 r/w. 149 of IPC	Life Imprisonment and fine of Rs.5,000/-, in default to undergo three months Rigorous Imprisonment.
A5	Sec. 302 r/w. 149 of IPC	Life Imprisonment and fine of Rs.5,000/-, in default to undergo three months Rigorous Imprisonment.

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



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5. In our considered view, the entire incident had taken place under the influence of alcohol and even in the post-mortem report, it is seen that the deceased also consumed alcohol. Ultimately, the death was caused due to myocardial infarction. Apart from that, the overt act attributed against A3 is that he kicked with his legs and as against A5, he attacked with a wooden log. This Court has to see if there was a causal connection between the injuries sustained and the death and the Court must also see if the present case can be brought within the exceptions to Section 300 of IPC. Hence, a *prima facie* case has been made out in this case. This Court takes into consideration the fact that A3 does not have any previous cases and A5 has one previous case for offence under Section 436 of IPC and it will take some more time for this Court to take up the appeal for final hearing. Hence, this Court is inclined to grant suspension of sentence by suspending the sentence imposed on the petitioners. Accordingly, this petition is allowed subject to the following conditions:

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



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the learned Principal Sessions Judge, Theni.

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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.

iii. The petitioners shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calender month, till the disposal of the Criminal Appeal.

[N.A.V., J.] & [K.K.R.K, J.]

02.04.2026

NCC : Yes / No
Index : Yes / No

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To

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1. The learned Principal Sessions Judge, Theni.
2. The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
3. The Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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