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CRL MP(MD) NO. 1714 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-04-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 1714 of 2026 in CRL.A(MD).NO.124 OF 2026

Ganesan

Petitioner(s)

Vs

State of Tamilnadu Rep By Inspector of Police,
Eral Police Station
Thoothukudi District.
Crime No.57 of 2019.

Respondent(s)

For Petitioner(s):

Mr.S.Muthu Malai Raja

For Respondent(s):

Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

Prayer:

To Suspend the sentence imposed on the petitioner by the II Additional District and Sessions Court, Thoothukudi, Thoothukudi District in S.C.No. 222 of 2020 by this Judgment dated 30.10.2025 and enlarge the petitioner on bail pending disposal of the appeal.

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ORDER

(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed to suspend the sentence imposed on the petitioner by the II Additional District and Sessions Court, Thoothukudi, Thoothukudi District in S.C.No.222 of 2020 dated 30.10.2025 and to enlarge the petitioner on bail.

2. The case of the prosecution is that there was a land dispute between the accused and his brother Kasi and the accused had developed a hostility against the deceased, since he was supporting the said Kasi. In view of this previous enmity, on 08.04.2019 at about 04.30 p.m., when the deceased was standing in front of the tea shop of one Muthulingam, the accused person abused the deceased in filthy language and stabbed him with a knife which resulted in his death. P.W.1 gave a complaint, based on which, an FIR came to be registered in Crime No.57 of 2019.



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3. The trial Court, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts and hence, proceeded to convict and sentence the petitioner for the offence under Section 294 (b) of IPC to undergo sentence of three months simple imprisonment and for the offence under Section 302 of IPC to undergo life imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment. Both sentences were ordered to run concurrently.

4. Heard the learned counsel on either side.

5. The learned counsel appearing for the petitioner submitted that the prosecution had examined P.W.1 to P.W.3 as eye-witnesses in this case. However, apart from the complaint that was given by P.W.1, P.W.8 and P.W.3 also peak about two other complaints that were given. Therefore, it is contended that the eye-witness account of P.W.1 to P.W.3 becomes questionable and this is more so, since they are all interested eye-witnesses. The learned counsel further submitted that the motive has not



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been established by the prosecution and hence, the entire theory of the prosecution as if it is only the petitioner, who committed the murder does not stand substantiated.

6. The learned Additional Public Prosecutor submitted that the trial Court has appreciated the eye-witnesses account of P.W.1 to P.W.3 and has convicted and sentenced the petitioner. On instructions, the learned Additional Public Prosecutor submitted that there was one previous case against the petitioner, which also ended in acquittal.

7. Taking into consideration the facts and circumstances of the case and the grounds that have been raised by the learned counsel appearing for the petitioner and considering the fact that the entire incident had taken place pursuant to a land dispute and there are no pending cases against the petitioner and the petitioner has undergone sentence from 30.10.2025 and the Criminal Appeal cannot be taken up for final hearing in the near future, this Court is inclined to suspend the sentence and accordingly, the Criminal Miscellaneous Petition is allowed, subject to the following conditions:



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i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District.

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 petitioner 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.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
21-04-2026

TSG



To

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1.The Judicial Magistrate No.II, Srivaikundam,
Thoothukudi District.

2.The II Additional District and Sessions Court, Thoothukudi,
Thoothukudi District.

3.The Superintendent of Prisons, Central Prison, Palayamkottai.

4.The Inspector of Police,
Eral Police Station
Thoothukudi District.

5.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.