

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-06-2026

CORAM

WEB COPY

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

Crl.M.P(MD) No.3133 of 2026

in

Crl.A(MD) No.206 of 2026

Ponsekar

Petitioner (A2)

Vs

State of Tamilnadu,
Represented by the Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
Crime no.129 of 2015.

Respondent(s)

For Petitioner(s):

Mr.A.Arun Ramnath

For Respondent(s):

Mr.C.Christopher
Government Advocate

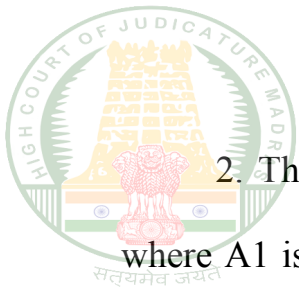
Prayer:

C-60. To enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.148 of 2019 dated 08.11.2025 by the learned 1st Additional District and Sessions Judge, Thoothukudi.

ORDER

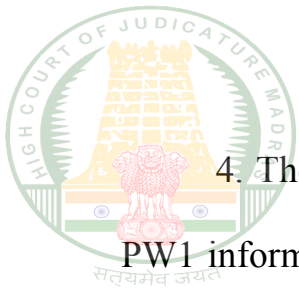
(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed seeking suspension of the sentence of imprisonment imposed on the petitioner by the learned 1st Additional District and Sessions Judge, Thoothukudi in S.C.No.148 of 2019, dated 08.11.2025 and to enlarge the petitioner on bail.



2. The case of the prosecution is that there was a temple festival on 18.07.2012, where A1 is said to have caused some disturbance in an inebriated state. The elder sister of PW1 shouted and asked A1 and others to get out of the place. At that point of time, A1 is said to have dragged the saree of the deceased and PW1 had pushed A1. Immediately, the elders intervened and sent out the accused persons. On the same day, it is alleged that when PW1, the deceased and their sisters were moving out, A1 attempted to murder one Pon Nimesh with an aruval and as a result, the said person sustained a cut injury. There was a melee, in which A1 fell down and the same resulted in a complaint being given to the Police and the case was pending in this regard before the learned Judicial Magistrate III, Thoothukudi.

3. When the above case was pending, A1 is said to have threatened the injured person to withdraw the case. The deceased refused. Three years after the above occurrence, a marriage engagement of the deceased was conducted on 24.04.2015. On 24.04.2015, there was a temple festival and after worshipping and placing the wedding card at the feet of God, PW1 and PW2, along with the deceased, were coming out and at that point of time, A5 is said to have attacked the deceased with a shovel handle on his head and A1 and A2 assaulted the deceased and the deceased is said to have caught hold of them. A3 and A4, who were standing behind, stabbed the deceased with knives on his back. A1 attacked the deceased with a knife on his hip and when the deceased fell down, A2 and A5 stabbed the deceased on his chest, stomach, hand and neck. Thus, all the accused persons are said to have indiscriminately attacked the deceased.



WEB COPY

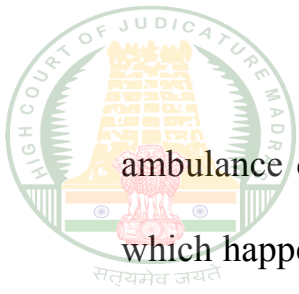
4. The above incident is said to have taken place in the presence of PW1 to PW3. PW1 informed the 108 ambulance and the Police and thereafter, PW1 to PW3 had taken the deceased to the Government Hospital, Thoothukudi and they were informed that the deceased had been brought dead. A complaint (Ex.P1) was given by PW1, based on which, an FIR came to be registered in Crime No.129 of 2015 against five named accused persons.

5. The Trial Court, on considering the facts and circumstances of the case and on appreciation of the evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubt as against all the accused persons. Insofar as the petitioner (A2) is concerned, he was convicted and sentenced in the following manner:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 302 r/w. 34 of IPC	Life Imprisonment and fine of Rs.10,000/-, in default to undergo three months Simple Imprisonment.
Sec.148 of IPC	Three years Rigorous Imprisonment and fine of Rs.5,000/-, in default to undergo one month Simple Imprisonment.

The above sentence was directed to run concurrently.

6. The main ground that was urged by the learned counsel for the petitioner is that PW1 to PW3 could not have seen the incident. To substantiate the submission, it was contended that the body of the deceased was first taken in a car and from there, he was shifted to an ambulance and brought to the hospital and the car was not seized nor was the



ambulance driver examined and there was a considerable delay in giving the complaint, which happened only on 26.04.2015 at 1.00 a.m. It is submitted that there is absolutely no explanation as to why there was so much delay in lodging the complaint. The incident took place on 25.04.2015 at 6.15 a.m., whereas the complaint was given only on the next day at 1.00 a.m. The learned counsel further submitted that the petitioner is now aged about 73 years and he has suffered incarceration in this case from 08.11.2025.

7. Per contra, the learned counsel, relying upon the counter filed, submitted that the overt act has been clearly spoken to by PW1 to PW3. Insofar as A2 is concerned, the learned counsel submitted that he had attacked the deceased with a knife and caused grievous injuries. The learned counsel, on instructions, submitted that there are no previous cases against A2.

8. Taking into consideration the facts and circumstances of the case and considering the fact that there are no previous cases against the petitioner (A2) and considering the age of the petitioner, who is presently 73 years old and also taking note of the fact that the petitioner has been suffering incarceration from November 2025, this Court is inclined to grant suspension of sentence imposed on the petitioner on the following terms:

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 learned 1st Additional District and Session Judge, Thoothukudi.



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.)
11-06-2026

Indu

To

1.The Inspector of Police,

Pudukkottai Police Station,
Thoothukudi District.

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