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CRL MP(MD) NO. 2465 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-06-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 2465 of 2026 in CRL.A(MD).No.175 of 2026

Senthil @ Senthil Kumar

Petitioner(s)

State of Tamilnadu,
Rep By Inspector of Police,
Kumbakonam East Police Station
Thanjavur District.
(Crime No.122/2019)

Respondent(s)

For Petitioner(s):

Mr.R.Gandhi,
Senior Counsel for Mr.B.Jameelarasu

For Respondent(s):

Mr.G.Karuppasamy Pandian,
Counsel for State of Tamil Nadu
(Criminal Side)

Prayer:

To suspend the sentence ordered by the learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam, Thanjavur District made in SC No.226/2022 dated 05.01.2026 pending disposal of the above Criminal Appeal and thus render justice.



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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 by the learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam, Thanjavur District made in S.C.No.226/2022 dated 05.01.2026.

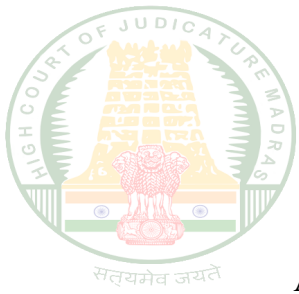
2. The case of the prosecution is that A1 to A6 are close relatives and friends and A1 and A2 are brothers, who are doing finance business for interest. PW1 had borrowed money from A1 and A2 and he was supposed to pay interest every month. The amount was not repaid and therefore, A1 and A2 are said to have insisted on payment and also threatened PW1 and his family. On 01.05.2019, the accused persons are said to have conspired and decided to do away with any one of the family members of PW1. Pursuant to the conspiracy, A2 to A6 came in motorbikes at about 6.00 PM to the house of PW1 and demanded repayment of the money. Since PW1 was not in a position to pay the money, they went away and came back at about 6.30–7.00 PM. A2 and A4 to A6 were having billhooks in their hands and A3 was present along with



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them and they trespassed into the shop and attacked the deceased Arun, who is the son of PW1. As a result, he sustained grievous injuries and succumbed to the injuries. Based on the complaint given by PW1, an FIR came to be registered in Crime No.122 of 2019 against 4 accused persons for the offences under Section 302 IPC and subsequently, charge sheet has been filed against 6 accused persons and as against A1, for the offence under Sections 120B r/w. 302, 302 r/w. 109 IPC; against A2, for the offence under Sections 120(b), 148, 302 IPC; against A3 to A5, for the offence under Sections 120(b), 148, 449, 302 IPC; and against A6, for the offence under Sections 120(b), 148, 302 r/w. 149 IPC. 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 and accordingly convicted the petitioner (A2) in the following manner:

Offence	Punishment
191(iii) of BNS Act	Five years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo six months Simple Imprisonment
103(i) of BNS Act	Life Imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year Rigorous Imprisonment



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Aggrieved by the same, the present petition has been filed by
Accused No.2.

3. This Court heard Mr.R.Gandhi, learned Senior Counsel appearing for the petitioner and Mr.G.Karuppasamy Pandian, learned counsel for the State of Tamil Nadu (Criminal Side) for the respondent.

4. The entire case of the prosecution is based on the eye-witness account of P.W.1 to P.W.4. The learned Senior Counsel appearing for the petitioner submitted that the eye-witness account of P.W.1 to P.W.4 does not specifically identify the presence of the petitioner (Accused No.2). Apart from that, CCTV footage was also relied upon by the prosecution and in the said footage, none of the witnesses were able to identify the presence of the petitioner (Accused No.2). Hence, it is contended that the benefit of doubt will have to go in favour of the petitioner.

5. Per contra, the learned counsel for the State of Tamil Nadu (Criminal Side) submitted that P.W.1 to P.W.4 have clearly described the manner in which the murder had taken place and that they have also specifically spoken about the overt act that is attributable to the petitioner (Accused No.2). The learned counsel submitted that Accused No.2 was the member of the unlawful assembly and hence, is liable for all the acts



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committed by the other accused persons, since there was a common object and therefore, even assuming that the specific overt act against the petitioner is found wanting, the fact that the petitioner was one of the member of the unlawful assembly will automatically rope him in. The petitioner is also liable for the murderous attack that took place in this case. The learned counsel further submitted that there are two pending cases against the petitioner and hence, the learned counsel vehemently opposed the grant of suspension of sentence in favour of the petitioner.

6. The case of the prosecution relies upon the eye-witness account of P.W.1 to P.W.4 and also the CCTV footage. Even though the eye-witnesses have spoken about the involvement of the petitioner, he was not able to be identified specifically in the CCTV footage. This was projected as one of the main ground questioning the very involvement of the petitioner in this case. This issue has to be gone into in detail at the time of final hearing in the Criminal Appeal and for the present, a *prima facie* case has been made out.

7. In view of the above, considering the ground that has been raised by the petitioner and taking note of the fact that the petitioner has suffered incarceration from January 2026 and taking note of the fact that there are

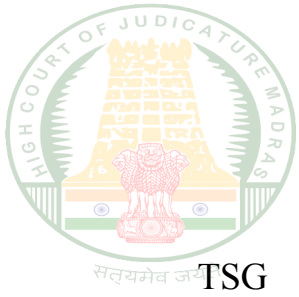


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two previous cases against the petitioner and it will take some more time to take up the appeal for final hearing, this Court is inclined to suspend the sentence and accordingly, the Criminal Miscellaneous Petition is allowed, subject to the following conditions:

- 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.I, Kumbakonam, Thanjavur 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 calendar month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
16-06-2026



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To

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1.The Judicial Magistrate No.I, Kumbakonam, Thanjavur District.

2.The Superintendent of Prison, Central Prison, Trichy.

3.The Inspector Of Police, Kumbakonam East
Police Station, Thanjavur District.

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