



CRL MP(MD). No.3124 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.03.2026

CORAM

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

**CRL MP(MD). Nos.3124 of 2026
in
Crl.A(MD).No.893 of 2025**

Roopesh @ Prasanth @ Praveen

... Petitioners

Vs

State of Tamilnadu
Rep by Inspector of Police,
Elayangudi Police Station,
Sivagangai,
Crime No.294 of 2015.

... Respondent

PRAYER :- To suspend the sentence imposed on the petitioner by the judgment dated 18.07.2025 made in S.C.No.39 of 2017 by Principal Sessions Judge, Sivagangai and enlarge the petitioner on bail pending disposal of the present appeal in Crl.A(MD)No.893 of 2025.

For Petitioner : Mr.C.Selvakumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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

This petition has been filed by the sole accused seeking suspension of substantive sentence of imprisonment imposed in S.C.No. 39 of 2017 dated 18.07.2025 on the file of the learned Principal Sessions Judge, Sivagangai.

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

3. The case of the prosecution is that on 04.05.2015, PW24 received a secret information that the members of the banned Maoist organisation had conspired and arranged a secret meeting to revive their activities. Five individuals were apprehended, including the appellant. At that time, they raised slogans for armed rebellion, saying that it is the only way to establish the rule of the people. An FIR was registered in Crime No.1 of 2015 by the Q Branch CID, Coimbatore District. This is the main case which is pending before the learned Principal District Judge, Coimbatore in S.C.No.256 of 2015 and the petitioner was granted



statutory bail.

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4. Insofar as this case is concerned, it is alleged that the petitioner had deceitfully arranged for a ration card and photo and was attempting to obtain mobile SIM card. The petitioner is said to have impersonated one Nehru (PW1) and managed to get the SIM card from PW5.

5. The further allegation against the petitioner is that during the festival, the petitioner is said to have openly raised slogans claiming that he belongs to the banned CPI (Maoist) organisation and he chanted the Maoist policies. This is said to have been videographed by PW8.

6. In the light of the above incidents, an FIR was registered and ultimately a police report was filed for offences under Sections 419, 420, 468, 471 of IPC read with Sections 13(1)(b), 18B, 20, 38(1) and 39(1) of “the Unlawful Activities (Prevention) Act, 1967” (hereinafter referred to as “UAPA”, for brevity).

7. The Principal Sessions Court, Sivagangai, on considering the facts and circumstances of the case and on appreciation of oral and



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documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts and convicted and sentenced the petitioner in the following manner:

<i>Provision</i>	<i>Sentence</i>
Section 419 of IPC	2 years simple imprisonment and fine of Rs.1,000/-, in default to undergo 1 month simple imprisonment
Section 468 of IPC	5 years simple imprisonment and fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment
Section 471 of IPC	5 years simple imprisonment
Section 420 of IPC	5 years simple imprisonment and fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment
Section 20 of UAPA	Life imprisonment and fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment
Section 38(1) of UAPA	10 years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment
Section 13(1)(b) of UAPA	5 years simple imprisonment and fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment
Section 39(1) of UAPA	10 years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo 6 months rigorous imprisonment

The above sentences were ordered to run concurrently.



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8. The learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner on the ground that there are 16 previous cases against the petitioner in Tamil Nadu, 26 previous cases in Kerala and 2 previous cases in Karnataka.

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

10. The trial Court had convicted the petitioner for offence under cheating and forgery mainly relying upon the evidence of PW1 and PW5. Insofar as the evidence of PW1 is concerned, the learned counsel for the petitioner submitted that at the time of deposing, PW1 did not even identify the person who approached him seeking for the ration card. Apart from that, the learned counsel for the petitioner also brought to the notice of this Court certain discrepancies in the evidence of PW1 and PW5. Accordingly, it was contended that the offence of cheating and forgery has not been properly proved by the prosecution.



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11. Insofar as the offence under UAPA, the main witness that was relied upon was PW8 and he is the person who had videographed the so called slogan shouting of the petitioner. The CD was marked as MO1. Unfortunately, it was not accompanied with the certificate under Section 65B of the Evidence Act and therefore it becomes inadmissible. What remains is only the evidence of PW8.

12. A *prima facie* case has been made out. In all the previous cases that was pointed out by the learned Additional Public Prosecutor, the petitioner has either been discharged or the case is pending or has ended in acquittal and in all the cases, including the main case in Crime No.1 of 2015, the petitioner has been enlarged on bail. One of the latest order that is available granting bail to the petitioner is the order passed by the Apex Court in SLP (Crl.) No.8256 of 2025 dated 13.08.2025. In this case, the petitioner has suffered incarceration from July 2025 onwards. Even though the petitioner has been enlarged on bail in all the other cases, this is the only case where the petitioner is suffering incarceration. There are vital points that has been raised which requires consideration and it will take some more time for this Court to hear the appeal on merits since the appeal is of the year 2025.



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13. In view of the same, we are inclined to suspend the sentence imposed on the petitioner and accordingly, this Criminal Miscellaneous Petition is allowed, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs. 25,000/-, with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Principal Sessions Judge, Sivagangai;

(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 pass Book to ensure their identity; and

(iii) The petitioner shall appear before the learned Principal Sessions Judge, Sivagangai, every Monday and Friday at 10.30 a.m., until further orders.

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

18.03.2026

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To

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1. The Principal Sessions Judge, Sivagangai.
2. The Central Prison and Correctional Home,
Viyyur, Thrissur.
3. The Inspector of Police,
Elayangudi Police Station,
Sivagangai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J
and
P. DHANABAL,J

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