

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-04-2026

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

Crl.M.P(MD) No.3024 of 2026

in Crl.A(MD) No.201 of 2026

Balaguru

Petitioner(s)

Vs

The State of Tamilnadu
rep by the Inspector of Police
Kumbakonam East Police Station
Kumbakonam.
Crime No.122/2019.

Respondent(s)

For Petitioner(s):

Mr.N.Anandhapadmanaban, Senior Counsel
assisted by Ms.K.P.Ilakkiya, learned counsel.

For Respondent(s):

Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

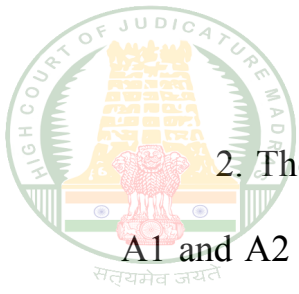
Prayer:

C-60.To Suspend the substantive sentence of imprisonment rendered on 05.01.2026 passed by the learned Additional District and Sessions Judge (FTC), Kumbakonam, in S.C.No.226 of 2022, pending disposal of appeal.

ORDER

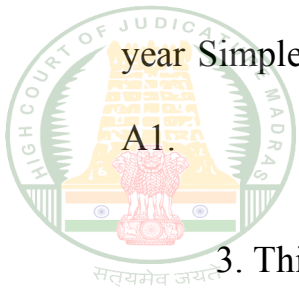
(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed to suspend the sentence imposed in S.C.No.226 of 2022, dated 05.01.2026, on the file of the Additional District and Sessions Judge (FTC), Kumbakonam, pending disposal of the above said criminal appeal.



WEB COPY

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 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 (A1) for the offence under Section 55 of BNS, equivalent to 115 of IPC and sentenced him to undergo 14 years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 1



year Simple Imprisonment. Aggrieved by the same, the present appeal has been

A1.

3. This Court heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Insofar as the petitioner is concerned, the Trial Court itself came to the conclusion that the charge of conspiracy has not been proved against the petitioner. Apart from that, the learned Senior Counsel appearing for the petitioner submitted that even as per the FIR, the money was not borrowed from A1 and A1 was not even present at the scene of crime. The only other charge against A1 is for abetment of the offence. It is submitted that there was no material available before the Trial Court to prove the charge of abetment and that the Trial Court had proceeded to convict and sentence the petitioner under Section 55 of BNS.

5. The learned Additional Public Prosecutor submitted that A1 is the prime accused in this case, who had abetted the crime and it was carried out by A2 to A6. The learned Additional Public Prosecutor, on instructions, submitted that there are four previous cases against the petitioner, out of which, one case was before the incident and three cases were after the incident and all these cases pertain to offences under Sections 188 and 341 IPC and the offence under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

6. Taking into consideration the grounds that have been raised by the learned Senior Counsel for the petitioner and carefully going through the evidence available on record, this Court finds that a *prima facie* case has been made out and this Court also takes into consideration the fact that it will take some more time for this Court to hear the main



appeal on merits. Therefore, this Court is inclined to grant suspension of sentence accordingly, the sentence imposed against the petitioner is suspended and this petition is allowed on the following conditions:

WEB COPY

- 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 satisfaction of the learned Additional District and Sessions Judge (FTC), Palani.
- 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.)
27-04-2026

Indu

To

1.The Inspector of Police
Kumbakonam East Police Station
Kumbakonam.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.