



CRL MP(MD). No.4112 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/03/2026

CORAM

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

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CRL MP(MD). No.4112 of 2026

in

CRL A(MD). No.263 of 2026

1. Keerthi

2. Kiran

... Petitioners

Vs

State of Tamilnadu Rep by
Inspector of Police,
Gudalur South Police Station,
Gudalur, Theni District.
Crime No.176/2023.

... Respondent

PRAYER :-

To suspend the sentence imposed on the appellant by the Principal Sessions Judge, Theni District in SC.No.31/2024 dated 07.11.2025 and enlarge the appellant on bail in Pending disposal of the above criminal appeal.

For Petitioner : Mr. K.P.S.Palanivel Rajan,
Senior Counsel
Assisted by Mr. K.Prabakaran



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For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioners seeking for suspension of the sentence imposed in the judgment made in SC.No. 31/2024 by the Principal Sessions Judge, Theni District and to enlarge the petitioner on bail.

2. The case of the prosecution is that accused Nos.1 and 2 are brothers and Accused Nos.3 and 4 are their friends. On 27/9/2023, one Ajith Kumar is said to have committed suicide while he was in prison and during the funeral ceremony, there was some quarrel between A1 and A2 and the deceased person as to who should first garland the dead body. At that point of time the deceased is said to have assaulted on the face of A1 and A2 and as a result, they sustained simple injury. Thus, A1 and A2 developed enmity towards the deceased person. With this motive, the accused persons are said to have conspired and decided to do away with the deceased. Accordingly, on the date of incident, the accused persons



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were consuming liquor and A4 is said to have made a call to PW.2 to bring the deceased to the place of occurrence. On the deceased coming to the place of occurrence, A1 is said to have attacked the deceased with M.O.1 in his neck and A2 is said to have assaulted with M.O.2 indiscriminately. As a result, the deceased succumbed to the injuries and an FIR came to be registered in Crime No.176 of 2023 for the offences under Sections 120(b) read with 302, 302 r/w 34 IPC. There are totally 4 accused persons in this case and the petitioners were arrayed as A1 and A2.

3. The trial Court on considering the facts and circumstances of the case and on appreciation of oral and documentary evidences, came to a conclusion that the prosecution has proved the case beyond reasonable doubt as against A1 and A2 and failed to prove the case as against A3 and A4. Accordingly A3 and A4 were found not guilty and they were acquitted from all charges. Insofar as A1 and A2 are concerned, the trial Court convicted them for offence under Sections 302 of IPC and sentenced them to undergo life imprisonment and to pay a fine of Rs.5000/- each, in default to undergo three months simple imprisonment.

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Aggrieved by the same, A1 and A2 have preferred the present appeal.

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4. Heard, Mr. K.P.S.Palanivel Rajan, learned Senior Counsel, for the appellant and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, for the respondent.

5. Learned Senior Counsel appearing on behalf of the appellant submitted that the entire case of the prosecution hinges upon the eyewitness account of PW 2. It was submitted that the presence of PW 2 in the scene of occurrence is highly unlikely and to substantiate the same, the learned Senior counsel relied upon the evidence of PW.1, P.W.3 and P.W.4. Learned Senior counsel submitted that there is absolutely no explanation as to who informed about the attack and demise of the deceased and who carried the body of the deceased in an ambulance to the hospital. It was submitted that if PW 2 was present in the scene of crime, obviously, he should have taken the initiative. But, PW 2 had left the scene of crime immediately after the incident.



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6. Learned Additional Public Prosecutor submitted that the trial Court had considered the motive behind the crime, which was spoken to by the witnesses and thereafter appreciated the evidence of P.W.2 who is the eye witness in this case. The learned Additional Public Prosecutor on instructions submitted at insofar as A1 is concerned, there are two previous cases and insofar as A2 is concerned, there are 5 previous cases out of which 2 previous cases are before the incident and three previous cases are after the incident.

7. We have carefully considered the submissions made on either side and the judgement passed by the trial Court.

8. The case of the prosecution hinges upon the evidence of PW 2 who is said to be an eyewitness in this case. The discrepancies that were pointed out by the learned Senior Counsel on the evidence of PW2 requires deeper consideration. It will take some more time for this Court to hear the Criminal Appeal, finally. We also take into consideration the



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fact that the appellants are in custody from November 2025 onwards. We also take into consideration the previous cases against the petitioners. Hence, this Court is inclined to suspend the sentence imposed on the petitioners and *accordingly, this Criminal Miscellaneous Petition is allowed, subject to the following conditions:*

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam.

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 every Monday, until further orders.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
23-03-2026



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To

1. Judicial Magistrate, Uthamapalayam
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police, Gudalur South Police Station,
Gudalur, Theni District. Crime No.176/2023.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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