



Crl.M.P(MD)No.3776 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**
AND
THE HONOURABLE **MS.JUSTICE R.POORNIMA**

Crl.M.P(MD)No.3776 of 2026
in Crl.A(MD)No.243 of 2026

Thalavai

... Petitioner/Appellant

Vs.

1. The State represented by,
The Deputy Superintendent of Police
Srivaikundam Sub Division
Srivaikundam Police Station
Thoothukudi District
Crime No.102/2015

2.Gurumoorthy

... Respondents/Respondents

PRAYER: Petition filed under Section 430(1) of BNSS, under Section 389 of Cr.P.C. to suspend the sentence passed by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi in S.C.No.17 of 2021 dated 24.12.2025 and enlarge the petitioner/appellant/accused No.2 on bail pending disposal of above

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criminal appeal.

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For Petitioner : Mr.R.Balachandran
For R1 : Mr.R.Meenaksh Sundaram
Additional Public Prosecutor
For R2 : Mr.Gurumoorthy
(Party-in-person)

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

Seeking suspension of the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi *vide* Judgment dated 24.12.2025 in S.C.No.17 of 2021, he has filed this Criminal Miscellaneous Petition.



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2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 of IPC	To undergo life imprisonment	Rs.5,000/- i/d to undergo three months Simple Imprisonment
148 of I.P.C	To undergo three years rigorous imprisonment	---
120B r/w 302 of I.P.C	To undergo life imprisonment	Rs.2,000/- i/d to undergo three months Simple Imprisonment
3(1)(x) of SC/ST (POA) Act	To undergo two years rigorous imprisonment	Rs.1,000/- i/d to undergo three month Simple Imprisonment
3(2)(v) of SC/ST (POA) Act	To undergo life imprisonment	Rs.5,000/- i/d to undergo three months Simple Imprisonment

3. Heard the learned counsel on either side and perused the materials available on record.



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4. Considering the period of incarceration undergone by the petitioner and that there are several arguable points and the fact that the appeal is of the year 2026 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

5. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.



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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 stay at Thirvallur District and shall appear and sign before the Inspector of Police, Periyapalayam Police Station, Thiruvallur, daily thrice i.e., 08.30 a.m., 02.00 p.m., and 7.30 p.m., till the disposal of the Criminal Appeal.

[G.K.I.J.] & [R.P.J.]
18.02.2026

Index :Yes/No
Internet :Yes
apd



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To
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1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi

2.The Central Prison,
Madurai.

3.The Deputy Superintendent of Police
Srivaikundam Sub Division
Srivaikundam Police Station
Thoothukudi District

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



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AND
R.POORNIMA, J.

apd

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