



CRL MP(MD). No.4110 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.04.2026

CORAM

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

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

**CRL MP(MD). Nos.4110 of 2026
in
Crl.A(MD).No.262 of 2026**

Balasubramanian @ Bala

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Jaihindpuram Police Station,
Madurai.
Crime No.56 of 2022.

2. Jegatheesan

... Respondents

PRAYER :- To suspend the sentence imposed in Judgment dated 29.12.2025 in the above Spl.S.C.No.69 of 2022 on the file of the Learned III Additional District Sessions Judge (PCR) Madurai to enlarge him on bail pending disposal of the instant Criminal Appeal.

For Petitioner : Mr.M.Shakulhameed

For Respondent : Mr.E.Antony Sahaya Prabahar
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 accused seeking suspension of substantive sentence of imprisonment imposed in Spl.S.C.No.69 of 2022 dated 29.12.2025 on the file of the III Additional District Sessions Judge (PCR), Madurai.

2. The case of the prosecution is that the defacto complainant (PW1) belongs to Scheduled Caste community. There was a previous enmity between the petitioner and the defacto complainant. On 27.01.2022 at about 2.30 pm., the petitioner is said to have trespassed into the house of PW1 and attacked him with iron pipe, as a result of which the defacto complainant sustained grievous injuries in his upper jaw, lower jaw and in a lower lip and also lost four teeth. Based on the complaint given by PW1, an FIR came to be registered in Crime No. 56 of 2022 for offence under Sections 448, 294(b), 326, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the SC/ST Act.



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3. 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 the reasonable doubts and accordingly convicted and sentenced the petitioner in the following manner:

<i>Provision</i>	<i>Sentence</i>
Section 448 of IPC	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment
Section 326 of IPC	Ten years rigorous imprisonment and fine of Rs.3,000/-, in default to undergo three months simple imprisonment
Section 506(ii) of IPC	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment
Section 3(2)(v) of SC/ST [PoA] Act read with 326 of IPC	Life Imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment
Section 3(2)(va) of SC/ST [PoA] Act read with 326 of IPC	Seven years rigorous imprisonment and fine of Rs. 1,000/-, in default to undergo one month simple imprisonment

The above sentences were directed to run concurrently.



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4. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor for the respondent.

5. Defacto complainant has been served with the notice and the name of the defacto complainant had also been printed in the cause list but there is no appearance either in person or through counsel.

6. The learned counsel for the petitioner submitted that the independent eyewitness examined by the prosecution, namely PW4 turned hostile. Apart from that, PW4 to PW12 did not support the case of the prosecution. He further pointed out that PW1, who is the defacto complainant was under the influence of alcohol, which is clear from the evidence of the doctor and that there are major contradictions in the evidence of PW1 read with the evidence of PW3. The learned counsel for the petitioner also questioned the extreme sentence that was imposed by the trial court.

7. Per contra, the learned Additional Public Prosecutor on relying upon the counter-affidavit submitted that the injured witness has deposed as PW1 and if the same is entirely reliable, there is no need to look for a



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corroboration in terms of eyewitness account. The learned Additional Public Prosecutor, on instructions, submitted that there are five previous cases against the petitioner committed during the years 2009 to 2015.

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

9. On carefully considering the submissions made on either side and taking note of the contradictions pointed out by the learned counsel for the petitioner and also taking note of the sentence imposed by the court below and considering the previous cases against the petitioner, 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 III Additional District Sessions Judge (PCR), Madurai;

(ii) The sureties shall affix their photographs and Left



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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 report before the Inspector of Police, Jaihindpuram Police Station, Madurai, every Friday at 5 PM, until further orders;

(iv) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. pending disposal of the criminal appeal.

[N.A.V., J.] & [K.K.R.K., J.]

06.04.2026

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To

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1. The III Additional District Sessions Judge (PCR) Madurai.
2. The Deputy Superintendent of Police,
Jaihindpuram Police Station,
Madurai.
3. The Inspector of Police, Jaihindpuram Police Station, Madura.
4. The Superintendent of Prisons, Central Prison, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
K.K. RAMAKRISHNAN,J.

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