



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-03-2026

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WEB COPY

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

CRL MP(MD) NO. 4109 of 2026 in Crl.A(MD) No.261 of 2026

1. Madasamy
S/o.Veeran
Chokkanathanputhur Village
Rajapalayam Taluk
Virudhunagar District.

Petitioner(s)

Vs

1. State Of Tamilnadu Rep By Inspector Of Police,
Seithur Police Station Virudhunagar District
Crime No.339/2020

Respondent(s)

For Petitioner(s): Mr.T. Veerakumar

For Respondent(s): Mr.E.Antony Sahaya Prabakar
Addl. Public Prosecutor

Prayer:To suspend the sentence made in judgment dated 08.12.2025 in SC.No.83/2020 passed by the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above Criminal appeal.

ORDER

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

This petition has been filed the petitioner/accused seeking suspension of substantive sentence of imprisonment imposed in S.C. No. 83 of 2020 dated 08.12.2025 on the file of the Principal District and Sessions Court, Virudhunagar District, in which, he has been convicted and sentenced as follows:



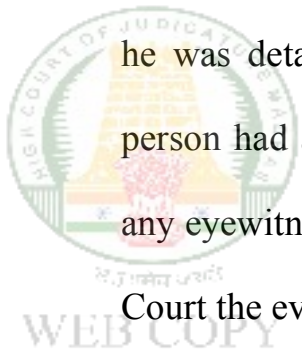
Sl.No.	Convicted under penal provisions (IPC)	Sentence
1	294(b)	To undergo
2	506(ii)	To undergo rigorous imprisonment of one year
3	302	To undergo imprisonment for life and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for three months.

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 there was a previous enmity between the accused and the deceased right from the year 2018 onwards. During February 2018, the deceased is said to have attacked the accused person with a brandy bottle, which resulted in registration of the FIR in Crime No.31/2018 for offence under Sections 294(b), 304 and 506(II) IPC. With this motive in mind, on 23.08.2020, at 10.30 – 11.00 p.m., the accused person is said to have developed a wordy quarrel with the deceased and had attacked him with MO1, which resulted in his death.

4. The prosecution had examined PW1 to PW3 as eyewitnesses and the Court below has considered the eyewitness account and convicted and sentenced the accused person.

5. The main ground that was urged by the learned counsel for the petitioner is that PW1 to PW3 could not have been the eyewitness in this case, since PW5, had specifically stated that after the incident, the accused person was taken to the police station based on suspicion and



he was detained in the police station and therefore it was contended that if sed person had already been detained in the police station on suspicion, there is no question of any eyewitness account in this case. The learned counsel further brought to the notice of this Court the evidence of PW3 and contended that PW3 also could not have seen the occurrence.

6. Insofar as the complaint that was given by PW1, it is submitted that the complaint was registered based on what was told by PW1 to the police. Further by bringing to the notice of this Court the evidence of PW13, the learned counsel submitted that the complaint was brought by the complainant and it was not recorded in the police station as was stated by PW1.

7. The learned Additional Public Prosecutor submitted that the trial Court had properly appreciated the evidence of PWs 1 to 3, who were the eyewitnesses and has convicted and sentenced the accused person. The learned counsel further submitted, on instructions, that there are no previous case against the petitioner.

8. Taking into consideration the grounds raised in the appeal and also considering the fact that the petitioner is undergoing incarceration from December 2025 and that there are grounds made out, which have to be considered on merits and it will take some more time for this Court to hear the criminal appeal finally, this Court is inclined to suspend the substantive sentence of imprisonment alone pending appeal.

8. In view of the above, the substantive sentence imposed by the Court below in S.C.No.83 of 2020 dated 08.12.2025 is suspended and the petitioner is enlarged on bail 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, each for a like sum to the satisfaction of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur;
- (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 Principal District and Sessions Court, Virudhunagar District at Srivilliputhur; every day at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(N.ANAND VENKATESH J.) (P.DHANABAL J.)

09-03-2026

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To

1. The Inspector Of Police,
Seithur Police Station
Virudhunagar District

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.