



CRL MP(MD). No.5068 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/03/2026

CORAM

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

CRL MP(MD). No.5068 of 2026

in

Crl.A(MD).No.1080 of 2025

Kannan Kumar @ Kannan

... Petitioner

Vs

The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
In Crime No.37/2018.

... Respondent

PRAYER :- To suspend the sentence of imprisonment imposed on the petitioner in the judgement dated 11.08.2025 made in S.C.No.143 of 2018 on the file of the learned Additional District and Sessions Judge, Virudhunagar District at Srivilliputhur and enlarge the appellant on bail.

For Petitioner : Mr.C.Mayil Vahana Rajendran

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



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ORDER

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[Order of the Court was made by N.ANAND VENKATESH, J.]

This petition has been filed seeking suspension of the sentence of imprisonment imposed on the petitioner (A1) by the learned Additional District and Sessions Judge, Virudhunagar District at Srivilliputhur, in S.C.No.143 of 2018, by judgment dated 11.08.2025, to enlarge the petitioner on bail.

2. The case of the prosecution is that the deceased possessed a female voice and used to talk with the petitioner in that voice. The petitioner, believing that it was a female by name Gowri, fell in love. Ultimately, when the entire truth came to light, the petitioner consumed rat poison on 19.01.2018 and attempted to commit suicide. With this motive, the petitioner is said to have entered into a criminal conspiracy with A2 to A4 and on 23.01.2018, the deceased is said to have been attacked by A2 to A4 indiscriminately, as a result of which he died. An FIR came to be registered in Crime No.37 of 2018 against four accused persons.



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3. The Trial Court, on considering the facts and circumstances of the case and upon appreciation of oral and documentary evidence, came to the conclusion that the prosecution had proved the case beyond reasonable doubt and convicted the petitioner for the following offences:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 120(b) of IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo one year simple imprisonment.
Sec. 302 r/w. 109 of IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo one year simple imprisonment.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The main ground urged before this Court is that the charge of criminal conspiracy or the charge of abetment has not been made out by the prosecution. Apart from this, A2 to A4 have already been granted suspension of sentence by this Court in CrI.M.P(MD) No.189 of 2026 in CrI.A(MD) No.23 of 2026, dated 07.01.2026; CrI.M.P(MD) No.1799 of



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2026 in CrI.A(MD) No.1080 of 2025, dated 29.01.2026; and
CrI.M.P(MD) No.13467 of 2025 in CrI.A(MD) No.1035 of 2025, dated
17.12.2025, respectively.

6. The learned counsel for the petitioner submitted that there were totally of seven previous cases against the petitioner, out of which the petitioner has been acquitted in five cases and only two cases are pending.

7. Per contra, the learned Additional Public Prosecutor submitted that the petitioner has been acquitted only in four cases and that there are three pending cases against the petitioner.

8. Taking into consideration the facts and circumstances of the case and considering the fact that a *prima facie* case has been made out by the petitioner and that this Court has to necessarily consider whether the charge of conspiracy or abetment has been made out against the petitioner and also considering the fact that A2 to A4 have been enlarged on bail pending appeal and taking note of the fact that there are two to



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three pending cases against the petitioner and that it will take some more time for this Court to take up the main appeal for hearing, this Court is inclined to grant suspension of sentence by suspending the sentence imposed on the petitioner. Accordingly, this petition is allowed subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, 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 passbook to ensure their identity.



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iii. The petitioner shall appear and sign before the trial

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Court at 10.30 a.m. on the first and fifteenth day of every English calender month, till the disposal of the Criminal Appeal.

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

30.03.2026

NCC : Yes / No

Index : Yes / No

Indu

To.

- 1.The Judicial Magistrate No.1 Court,
Srivilliputhur.
- 2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 3.The Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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