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CRL MP(MD) NO. 5307 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-04-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 5307 of 2026 in CRL.A(MD).NO.307 OF 2026

Aravindaraj

Petitioner(s)

Vs

The State of Tamilnadu
Rep by The Inspector of Police
Kabistalam Police Station
Thanjavur District.
Crime No.127/2015.

Respondent(s)

For Petitioner(s):

Mr.R.Ponkarthikeyan

For Respondent(s):

Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

Prayer:

To Suspend the sentence imposed by the Additional District and Sessions Judge, (Fast Track Court), Kumbakonam passed in SC No.102/2017 dated 19.12.2025 pending disposal of the Criminal Appeal and thus render justice.



ORDER

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This petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam, passed in S.C.No.102/2017 dated 19.12.2025 and to enlarge the petitioner on bail.

2. The case of the prosecution is that the deceased and the defacto complainant served as Poojaries at a Temple. They were approached by the Accused No.1 10 days prior to the incident with the request to conduct a marriage that was scheduled on 12.06.2015. The deceased was not able to take up the offer, since he had committed himself to another marriage on the same day. Hence, the deceased asked the Accused No.1 to engage some other Poojari. This is said to be the motive for the accused persons to eliminate the deceased by attacking him with wooden logs which resulting in the deceased sustaining grievous injuries and succumbing to his injuries on 23.06.2015. In the mean time, the statement of the deceased was recorded on 15.06.2015 and based on the same, an FIR came to be



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registered in Crime No.127 of 2015 for the offences under Sections 147, 148, 341, 294(b), 323, 324, 506(2) and 307 of IPC. After the demise of the deceased, it was altered to 302 of IPC.

3. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has established the case beyond reasonable doubts and accordingly, convicted and sentenced the accused persons. The petitioner has been arrayed as Accused No.2. The petitioner was convicted and sentenced in the following manner:

Offence	Sentence	Fine
Section 148 of IPC	Three years imprisonment	Fine of Rs.1000/- in default to undergo six months imprisonment
Section 341 of IPC	One month imprisonment	Fine of Rs.500/- in default to undergo one week imprisonment
Section 364 of IPC	Three years imprisonment	Fine of Rs.1000/- in default to undergo six months imprisonment
Section 302 r/w 149 of IPC	Life Imprisonment	Fine of Rs.5000/- in default to undergo one year imprisonment

The above sentences were ordered to run concurrently.



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4. Heard the learned counsel on either side.

5. The main ground that was urged on the said of the petitioner is that none of the eye-witnesses supported the case of the prosecution and except for the evidence of the official witnesses, no other material was available against the accused person. He further submitted that the trial Court had taken into account the evidence of P.W.17, who says that he saw the accused persons taking the deceased near the place of occurrence. The learned counsel also brought to our notice the order passed in CrI.M.P. (MD).No.4745 of 202 dated 27.02.2026, wherein on similar grounds, Accused No.5 was enlarged on bail.

6. Per contra, the learned Additional Public Prosecutor submitted that even though the eye-witness turned hostile, the same cannot be rejected outright and the Court below took into consideration the statement that was recorded from the deceased prior to his demise and the evidence of P.W.17 and also the evidence of the Doctor-P.W.12. He further submitted that their evidence is corroborated by the evidence of P.W.20 and Ex.P.10 and Ex.P.11. On instructions, the learned Additional Public



Prosecutor submitted that after the incident, there are three previous cases against the petitioner.

7. Taking into consideration the facts and circumstances of the case and considering the ground that has been raised on the side of the petitioner and also taking note of the fact that Accused No.5 was already granted suspension of sentence by this Court on similar grounds and also considering the previous cases against the accused and the fact that the Criminal Appeal cannot be taken up for final hearing in the near future, this Court is inclined to suspend the sentence and accordingly, the Criminal Miscellaneous 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 Additional District and Sessions Judge, (Fast Track Court), Kumbakonam.

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 Court at 10.30 a.m., on the first working day of every English calendar month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
21-04-2026

TSG

To

1.The Additional District and Sessions Judge,

(Fast Track Court), Kumbakonam.

2.The Superintendent of Prisons, Central Prison, Trichy,

3.The Inspector of Police

Kabistalam Police Station

Thanjavur District.

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