



Crl.MP(MD) No.5256 of 2026 in
Crl.A(MD) No.302 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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in

Crl.A(MD) No.302 of 2026

- 1.Kodeeswaran
- 2.Muneeswaran
- 3.Prabhu@ Murugaprabhu
- 4.Vetrimurugan
- 5.Karthick

... Petitioners

Vs

- 1.State represented by
The Deputy Superintendent of Police,
Sivakasi Sub Division,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.196/2021.

- 2.Balamurugan
- 3.Marieswarran

... Respondents

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner/appellant/sole accused passed by the learned Special Court



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for trial of SC/ST (POA) act cases, Virudhunagar District at Srivilliputhur in Spl.SC.No.27 of 2021, dated 25.02.2026 and enlarge the petitioners on bail pending disposal of the criminal appeal.

For Petitioners : Mr.M.Jothi Basu
For R1 : Mr.S.Prakash
Government Advocate (Crl.side)
For R2 & R3 : No appearance

ORDER

The petitioners are accused in Spl.SC.No.27 of 2021, on the file of the Special Court for trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputhur. They were tried for the offence under Sections 294(b), 147, 323 of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act. The trial Court has found the petitioners guilty, convicted and sentenced them as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	147 IPC	Six months Rigorous imprisonment each	Rs.500/- each	Two weeks simple imprisonment each
2.	323 IPC r/w 3(2)(va) of SC/ST (POA) Act	Six months Rigorous imprisonment each	Rs.500/- each	Two weeks simple imprisonment each



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As against the conviction and sentence imposed on the petitioners, they have filed an appeal before this Court in Crl.A.No.302 of 2026. Pending the appeal, the petitioners have filed this application for suspension of sentence.

2.The case of the prosecution is that the petitioners have abused the defacto complainants by degrading their caste name, assaulted them, thereby caused injuries to them.

3.Since these petitioners have been convicted for the offence under the provisions of SC/ST Act, notice was ordered to the respondents/defacto complainants. Though notice was served on the defacto complainants and names were also printed, there is no representation for them.

4.The learned counsel appearing for the petitioners submits that though there are several contradictions in the prosecution evidence, the same has not been properly appreciated by the trial



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Court. He further submits that this is the first application filed by these petitioners and they are prepared to abide by any condition imposed by this Court.

5.The learned Government Advocate (Crl.side) appearing for the first respondent opposes for grant of suspension of sentence that if the petitioners are released on bail, they may indulge in further offence.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7. The petitioners have raised certain arguable points, which can be considered only during the final hearing of the criminal appeal. However the appeal could not be taken up immediately, for want of time. In view of the above and considering the period of sentence, this Court is inclined to suspend the sentence imposed on the petitioners.



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8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for trial of SC/ST (POA) act cases, Virudhunagar District at Srivilliputhur.
- ii. The petitioners shall report before the trial Court on the first working day of every English Calender month at 10.30 a.m.,
- iii. In the event, if there is any change in address of the petitioners, the same shall be duly informed to the respondent police without fail.



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iv. On violation of any of the above conditions by the petitioners
the respondent police shall move an application for
cancellation of the bail.

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Index : Yes/No
Internet : Yes/No
vrn

To

- 1.The Special Court for trial of SC/ST (POA) act cases,
Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Sivakasi Sub Division,
Thiruthangal Police Station,
Virudhunagar District.



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B.PUGALENDHI, J.,

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