



Crl.M.P.(MD)No.5482 of 2026

in Crl.A.(MD)No.976 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5482 of 2026

in Crl.A.(MD)No.976 of 2025

Rajendran

... Petitioner/A1

versus

State of Tamil Nadu, Rep. by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.

... Respondent

Petition filed under Section 430(2) BNSS, to enlarge the petitioner on bail by suspending the sentence imposed upon him in Sessions Case No.153 of 2019 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, Thanjavur District, by Judgment dated 15.07.2025 pending disposal of the main criminal appeal.

For Petitioner : Mr.R.Ilayaraja

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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quarrel with the deceased and during the altercation, the petitioner/A1 said to have strangled the deceased with a towel, pushed him down and thereafter, the petitioner along with son/A2, assaulted him and caused the death of the deceased. Hence, the case.

3. The learned counsel appearing for the petitioner has raised the following grounds for grant of suspension of sentence:-

(i) There was a delay of 18 hrs. in registration of FIR and 39 hrs. in its transmission to the Court, however, there was no proper explanation for the said delay.

(ii) The allegation of strangulation using a towel is not accompanied by corresponding medical evidence. The absence of external injuries on the neck creates a clear inconsistency between ocular and medical evidence. This inconsistency strikes at the core of the prosecution case, as the alleged act of strangulation is projected as a crucial overt act.

(iii) As per the evidence of P.W.10-Doctor, the deceased himself gave statement about the incident and the injury. Though the deceased was in a conscious condition, the investigation officer failed to record a dying



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declaration.

(iv) The medical evidence, as recorded in the Judgment, consistently attributes the cause of death to head injury, skull fracture and intracranial bleeding. The prosecution version itself includes that the deceased was pushed down during the altercation. In such circumstances, the possibility that the fatal injury resulted from a fall rather than from any deliberate or targeted act assumes significance, thereby weakening the prosecution's attempt to attribute a direct homicidal act to the accused.

(v) The petitioner is in jail from the date of conviction, ie. from 15.07.2025 to till date and even during the trial, he was in jail from 23.04.2019 to 28.06.2019.

4. The learned Government Advocate (Crl. Side) submits that P.W.1, P.W.2 and P.W.3 are eye-witnesses in this case. P.W.1, the wife of the deceased, has lodged a complaint and she stated that the deceased was not in a position to speak by that time. P.W.2 and P.W.3, the neighbours, have also witnessed the incident and they have also deposed before the trial Court. The Doctors, who examined the deceased, has noted down multiple injuries and a injury on the skull of the deceased. According to him, the respondent Police has



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treated the complaint as a petition enquiry and therefore, it cannot be treated as a delay in reporting the incident.

5. This Court considered the rival submissions made.

6. Admittedly, there was some delay in registering the FIR. The case of the prosecution is that the petitioner/A1 strangled the deceased with a towel. However, the corresponding injury has not been noted down by the Doctor, who examined the victim and also by the Postmortem Doctor. Though the petitioner has raised certain arguable points, the same can be appreciated only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing immediately for want of time.

7. In view of the above and also considering the period of incarceration, this Court is inclined to suspend the sentence imposed on petitioner with certain conditions. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty



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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, Thanjavur District.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station, Madurai, daily at 10.30 a.m. until further orders.

(v) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

29.04.2026

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To

1. The learned Additional District and Sessions Judge,
Fast Track Court,
Kumbakonam,
Thanjavur District.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Othakadai Police Station,
Madurai.



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B.PUGALENDHI, J.

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