



CRL MP(MD) NO. 5580 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25-03-2026**

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 5580 of 2026 in CRL A(MD).1032 OF 2025

Packiyaraj

Petitioner(s)

Vs

State of Tamilnadu,
Rep By Inspector of Police,
Munneerpallam Police Station
Tirunelveli District.
(Crime No.33/2013)

Respondent(s)

For Petitioner(s):

Mr.R.Anand,
for Mr.P.Samuel Gunasingh

For Respondent(s):

Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

Prayer:

To suspend the sentence of imprisonment imposed on the petitioner in the judgement and conviction delivered by the I Additional Sessions Judge,



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Tirunelveli in S.C.No.17 of 2017 vide judgement dated 16.09.2025 and enlarge the petitioner on bail.

ORDER

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

This petition has been filed seeking for suspension of sentence imposed on the petitioner in the judgment made in SC.No.17 of 2017 dated 16.09.2025 on the file of the learned I Additional Sessions Judge, Tirunelveli and to enlarge the petitioner on bail.

2. The case of the prosecution is that Accused No.1 along with his friends had committed murder of the father of the deceased in the year 2000. As a retaliation, the deceased is said to have attempted to kill Accused No.1 and the said attempt failed. On 24.01.2013, at about 19.00 hours, the deceased along with P.W.1, who is the son-in-law of the deceased and P.W.4, who is the son of the deceased and other relatives were going in a vehicle to Tiruchendur for a pilgrimage. On 25.01.2013, when the deceased was serving food, all the accused persons are said to have gone to the spot and the deceased was attacked indiscriminately, as a result of which, the deceased succumbed to the injuries. A complaint was given by P.W.1, resulting in registration of an FIR in Crime No.33 of 2013.



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3. There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.4.

4. 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 proved the case beyond reasonable doubts. Accordingly, convicted the petitioner for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year simple imprisonment.

5. Heard the learned counsel on either side.

6. The main ground that was urged by the learned counsel appearing for the petitioner is that in the complaint given which resulted in the registration of an FIR, only the names of Accused Nos.1 and 2 was mentioned even though Accused Nos.3 and 4 also belong to the same Village and are known to P.W.1, who gave the complaint. The learned counsel submitted that the petitioner was falsely roped in this case. The



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learned counsel also brought to the notice of this Court the fact that Accused No.3 had earlier filed CrI.M.P.(MD).No.3851 of 2026 seeking for suspension of sentence and the petition was ordered by this Court by an order dated 27.02.2026.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondent by placing reliance upon the counter-affidavit filed by the respondent submitted that the incident has been specifically spoken by two eye-witnesses, namely, P.W.1 and P.W.4 and the trial Court had considered the same while convicting and sentencing the petitioner. The learned Additional Public Prosecutor, on instructions submitted that there were three previous cases against the petitioner, out of which two cases have ended in acquittal and there is one pending case against the petitioner.

8. In the considered view of this Court, the very presence of the petitioner in the scene of crime has been questioned on the ground that P.W.1 knew the petitioner, since he belonged to the same village and in spite of the same, only the names of Accused Nos.1 and 2 was mentioned in the complaint. The evidence of P.W.1 was also relied upon by the



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learned counsel appearing for the petitioner in extenso. We also find that on a similar ground, Accused No.3 was enlarged on bail by this Court by an order dated 27.02.2026 in CrI.M.P.(MD).No.3851 of 2026. Therefore, this Court has to apply the same yardstick for the petitioner also. We also take into consideration the fact that the petitioner is undergoing incarceration from September 2025 and there is one pending case against the petitioner. It will take some more time to take up the appeal for final hearing.

9. Hence, we are inclined to suspend the sentence imposed on the petitioner 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 Judicial Magistrate No.V, Tirunelveli.
- 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.



iii. The petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calender month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
25-03-2026

TSG

To

1.The Judicial Magistrate No.V, Tirunelveli.

2.The I Additional Sessions Judge, Tirunelveli.

3.The Inspector of Police,

Munneerpallam Police Station, Tirunelveli District.

4.The Superintendent of Prisons, Central Prison, Palayamkottai.

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