

CRL MP(MD) NO. 8664 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22-06-2026**

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

Crl.M.P(MD) No.8664 of 2026

in Crl.A(MD) No.351 of 2026

Karuppasamy

Petitioner

Vs

State of Tamilnadu,
Represented by the Inspector of Police,
Vachakarapatty Police Station,
Virudhunagar District.
Crime No.559 of 2020.

Respondent

For Petitioners:

Mr.K.Suyambulingabharathi

For Respondent(s):

Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

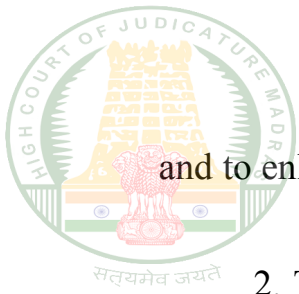
Prayer:

To Suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Virudhunagar in S.C.No.107 of 2021 by the judgment dated 25.03.2025 and enlarge the petitioner on bail pending disposal of the appeal.

ORDER

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

This petition has been filed seeking suspension of the sentence of imprisonment imposed on the petitioner by the learned Additional District and Sessions Judge, Virudhunagar, in S.C.No.107 of 2021 by judgment dated 25.03.2025



and to enlarge the petitioner on bail.

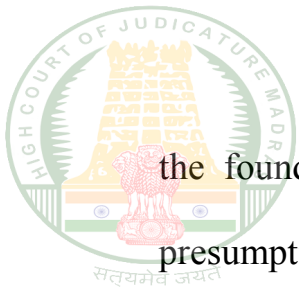
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2. The case of the prosecution is that, on 07.09.2020, while the deceased was sleeping in a room in a blue metal quarry, the petitioner is said to have attacked him with a hammer, as a result of which, he died on the spot. An FIR came to be registered in this regard in Crime No.559 of 2020 for the offence under Section 302 of IPC.

3. The Trial Court, on considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the prosecution had proved the case beyond reasonable doubt and 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.500, in default, to undergo six months Rigorous Imprisonment. Aggrieved by the same, the present appeal has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Counsel for the State of Tamil Nadu (Crl. Side) appearing for the respondent.

5. The present case is sought to be proved by the prosecution through circumstantial evidence. PW1 has been examined to prove the last-seen theory and PW2 and PW13 have been examined to prove the motive, while PW9 and PW10 have been examined to substantiate the arrest and recovery. One of the main grounds raised by the learned counsel for the petitioner is that, for the last-seen theory, even



the foundational facts have not been laid by the prosecution and therefore, the presumption under Section 106 of the Evidence Act will not come into play.

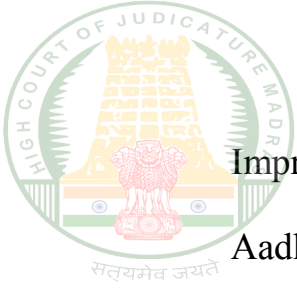
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6. Mr.G.Karuppasamy Pandiyan, by relying upon the counter affidavit filed by the respondent, submitted that each and every circumstance has been proved by the prosecution and the entire chain of circumstances has been established and that the Court below has considered the same and has rightly convicted and sentenced the petitioner. The learned counsel further submitted that there are no previous cases against the petitioner.

7. Taking into consideration the facts and circumstances of this case and the issues that have been raised in the present appeal and also taking into consideration the fact that the petitioner has been undergoing incarceration since March 2025 and there are no previous cases against the petitioner, we find that there are some arguable points which require consideration and it will take some more time for this Court to take up the appeal for final hearing. Hence, 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.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Virudhunagar.

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.)
22-06-2026

Indu

To

1.The learned Additional District and Sessions Judge, Virudhunagar.

2.The Inspector of Police,

Vachakarapatty Police Station
Virudhunagar District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.