

**CrL.M.P.(MD) Nos.6841, 6842, 6844, 6845,  
6846 & 6849 of 2026**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.06.2026**

**CORAM**

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA  
AND  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CRL.MP(MD) Nos.6841, 6842, 6844, 6845, 6846 & 6849 of 2026  
in  
Crl.A(MD)No.383 of 2026**

|                 |                                               |
|-----------------|-----------------------------------------------|
| Vellaimayadevar | .....Petitioner in CRL.MP(MD) No.6841 of 2026 |
| Thangapandi     | .....Petitioner in CRL.MP(MD) No.6842 of 2026 |
| Gowtham         | .....Petitioner in CRL.MP(MD) No.6844 of 2026 |
| Surya           | .....Petitioner in CRL.MP(MD) No.6845 of 2026 |
| Subash          | .....Petitioner in CRL.MP(MD) No.6846 of 2026 |
| Visagan         | .....Petitioner in CRL.MP(MD) No.6849 of 2026 |

**Vs.**

State of Tamil Nadu Rep. by  
The Inspector of Police,  
Palanichettypatti Police Station  
Theni District.  
Crime No.533 of 2023.

..... Respondent in all petitions



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**COMMON PRAYER :** Petitions filed under Section 430 (1) of BNSS to suspend the execution of sentence on the petitioners by granting bail in S.C.No.101 of 2024 dated 07.03.2026 on the file of the Learned Principal Sessions Judge, Theni pending disposal of the above Criminal Appeal.

In all petitions

For Petitioners : Mr.V.Kathirvelu  
Senior Counsel  
for Mr.K.Prabhu

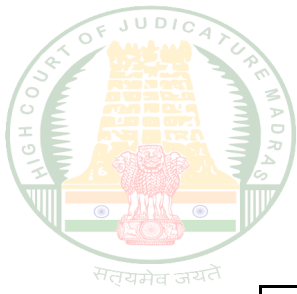
For Respondent : Mr.T.Lenin Kumar  
Counsel for State of Tamil Nadu (Crl. side)

### **COMMON ORDER**

**[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]**

Seeking to suspend the sentence imposed on the petitioners by the Principal Sessions Judge, Theni, *vide* Judgment dated 07.03.2026 in S.C.No.101 of 2024, they have filed these Criminal Miscellaneous Petitions.

2. The petitioners stand convicted and sentenced as under:

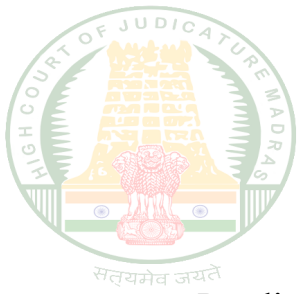


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| Section of Law   | Sentence of imprisonment                | Fine amount                                                 |
|------------------|-----------------------------------------|-------------------------------------------------------------|
| 302 r/w. 149 IPC | To undergo life imprisonment            | Rs.5,000/- i/d to under go three months simple imprisonment |
| 147 IPC          | To undergo one year simple imprisonment | -                                                           |

3. The case of the prosecution is that prior to eight months ago, the deceased Jagadeesh Kumar had committed murder of one Vikram belonging to Mariyamankovilpatty, since he was having illicit intimacy with his wife Meena. The defacto complainant/ mother of the deceased Jagadeesh Kumar, at one point, had taken him out on bail and she had warned her son not to go back to the village Mariyamankovilpatty. On 12.11.2023, around 9.30 P.M., the deceased Jagdeesh Kumar had informed his mother/defacto complainant that he is going to Mariyamankovilpatty. The mother had warned him not to go there, since there is a life threat at the instance of the family members of Vikram. Despite the warning given by the defacto complainant, the deceased had gone to the village. While so, she received a call from her relatives Jayaprakash stating that one



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Pandiyammal, wife of Rajendran, a resident of Mariyamankovilpatty informed him that the accused who are all relatives of Vikram have committed the murder of her son. Based on the complaint, a case in Crime No.533 of 2023 was registered by the respondent Police for the offences under Sections 147, 148 and 302 IPC.

4. The respondent police after completion of the investigation, filed the final report before the Judicial Magistrate Court, Theni in PRC No.6 of 2024 and after the appearance of the accused and the copies were served under Section 207 Cr.PC, the case was committed to the Principal Sessions Court, Theni and the case was taken up for trial in SC.No.101 of 2024. On the side of the prosecution, PW1 to PW30 were examined and Ex.P1 to Ex.P28 and M.O.1 to M.O.10 were marked. On the side of the defence, the accused have cross examined PW8 and through him marked three photos as Ex.D1 and the accused were questioned under Section 317 Cr.P.C., and the accused denied the charges. After hearing both sides, the trial Court convicted the accused for the offences punishable under Sections 147 and 302 r/w.149. Challenging the same, the present criminal appeal has been filed.

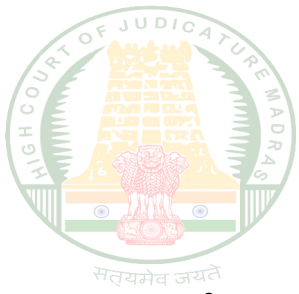


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5. Mr.V.Kathirvelu, learned Senior Counsel appearing for the petitioners/accused would submit that the trial Court failed to clarify the discrepancies in the evidence of the prosecution. The occurrence is said to have taken place in the night hours and without there being any clear cut evidence as against the accused, the petitioners have been falsely implicated only on account of the previous enmity existing between the families. Though PW1 is said to have had knowledge of the occurrence on 12.11.2023 at 10.30 P.M., in the night, the complaint was said to have been given on 13.11.2023 at about 1.00 a.m. However, the FIR has reached the Court only at about 2.15 P.M. with the delay of more than 12 hours. No proper explanation has been given by the prosecution for the delay.

6. Apart from the eyewitness PW5, several other persons are said to have eyewitnessed the occurrence. Non-examination of the eyewitness creates a doubt in the case of the prosecution. It is a categorical evidence of PW5 that she came to know about the accused only through watching the CCTV footage. Though PW5 is said to have seen the CCTV



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footage relating to the accused, the CCTV footage was not produced and not exhibited before the Court concerned. The suppressions of the visuals also creates a doubt in the prosecution case.

7. He would further submit that though the witnesses speak about several persons and several persons having chased the deceased and assaulted him prior to his death, no proper investigation has been done in this regard. Further, it is the categorical evidence of PW.4 that the deceased has earlier committed rape of his daughter-in-law, due to which the deceased was having enmity with several other persons in the village.

8. He would further submit that the petitioners do not have any previous case against them and even taking into consideration the evidence, it is the deceased who had entered into the village during the night hours, resulting in the villagers assaulting him and no weapon was used and there was a no premeditation and that the petitioners were on bail during trial and they have also not misused the liberty granted to them. Hence, he prayed to grant suspension of sentence to the petitioners.



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9. The respondent has filed a counter. Mr.T.Lenin Kumar, learned Counsel for State of Tamil Nadu appearing for the respondent vehemently opposed stating that it is a case where the accused joined together and brutally assaulted the deceased with sticks and with an empty vessels resulting in the accused sustaining multiple injuries and dying on the spot. The trial Court rightly appreciating the evidence has convicted the accused, and he would object for grant of suspension of sentence to the petitioners, thereby, he would vehemently oppose for grant of bail to the petitioners.

10. Heard the learned counsel on either side and perused the materials available on record.

11. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.



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12. Accordingly, the Criminal Miscellaneous Petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein are suspended, subject to the following conditions:

i. The petitioners are 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 Principal Sessions Judge, Theni.

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 petitioners shall stay at Thanjavur District and report before the Inspector of Police, Thanjavur East Police Station, Thanjavur daily at 10.30 a.m., until further orders.

iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

**[A.D.J.C., J.] [R.P., J.]**  
**29.06.2026**

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**Mark a copy of this order to**

*1.The Inspector of Police  
Thanjavur East Police Station,  
Thanjavur.*

Copy to

1. The Principal Sessions Judge, Theni.
2. The Inspector of Police,  
Palanichettypatti Police Station  
Theni District.



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