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CRL MP(MD) NO.7314 OF 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16-03-2026**

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CRL MP(MD) No.7314 of 2026

IN

CRL A(MD).No.1134 of 2025

Nickolas @ Robitson

Petitioner(s)

Vs

State of Tamilnadu,
Rep By Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.337/2021

Respondent(s)

For Petitioner(s):

Mr.G.Karuppasamypandiyan

For Respondent(s):

Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor



ORDER

The petition has been filed by the petitioner seeking suspension of the sentence imposed in the judgment made in S.C.No.290/2022, dated 01.09.2025, passed by the learned IV Additional District and Sessions Judge, Tirunelveli and to enlarge the petitioner on bail.

2/6



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Accused No.4. Insofar as Accused Nos.5 and 2 are concerned, they have been convicted for the offence under Section 148 IPC and sentenced to undergo one year of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment and for the offence under Section 302 r/w Section 149 IPC, they were sentenced to undergo life imprisonment and to pay a fine of Rs.4,000/-, in default to undergo six months of simple imprisonment.

3. This Court has carefully considered the submissions made on either side and the materials available on record.

4. The entire case of the prosecution strongly hinges upon the eye-witness account of P.W.1 to P.W.6. The learned counsel appearing for the petitioner submitted that, insofar as the petitioner is concerned (Accused No.4), no overt act has been attributed and that he was only present at the scene of the crime. It was submitted that the overt act was attributed only against Accused Nos.1 and 3, who are alleged to have fatally attacked the deceased. It was submitted that there are several discrepancies in the evidence of the eye-witnesses and more particularly, in the evidence of P.W.1, whose



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testimony has been strongly relied upon by the trial Court. It was further submitted that even though Accused Nos.1 and 3 were also part of the unlawful assembly, they have not been convicted for the offence under Section 302 r/w Section 149 IPC and therefore, the very foundation of the case of the prosecution becomes questionable. He further submitted that the co-accused (A2 and A5) were granted suspension of sentence by this Court in CrI.M.P(MD) Nos.18928 of 2025 and 555 of 2026, by an order dated 16.03.2026.

5. The learned Additional Public Prosecutor, on instructions, submitted that there were two previous cases against the petitioner, which were committed after the present case.

6. We are of the view that a prima facie case has been made out.

7. Considering the grounds raised in the appeal and also taking into consideration the fact that the petitioner has been in incarceration from 01.09.2025 onwards and that the co-accused (A2 and A5) were granted suspension of sentence in CrI.M.P(MD) Nos.18928 of 2025 and 555 of 2026,



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by an order, dated 16.03.2026 and further considering that there were two previous cases against the petitioner, which were committed after the present case and that it will take some more time to hear the appeal on merits, we are inclined to suspend the sentence imposed on the petitioner. Accordingly, this 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned IV Additional Sessions Judge, 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, until further orders.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN.J.)
07-04-2026

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5/6



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To

1. The IV Additional District Sessions Judge,
Tirunelveli.
2. The Inspector Of Police, Koodankulam Police Station
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.