



CRL M.P(MD). No.7911 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 15/04/2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

**Crl.M.P(MD). No.7911 of 2026
in
Crl.A(MD).No.1186 of 2025**

Kabil

... Petitioner

Vs

The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
Crime No.272 of 2022.

... Respondent

PRAYER:- To suspend the sentence of imprisonment imposed in S.C.No. 19 of 2023, dated 19.07.2025 on the file of the learned Principal Sessions Judge, Theni and enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.S.G.L.Rishwanth

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by N.ANAND VENKATESH, J.]

This petition has been filed seeking suspension of sentence of imprisonment imposed on the petitioner by the learned Principal Sessions Judge, Theni in S.C.No.19 of 2023, dated 19.07.2025, to enlarge the petitioner on bail.

2. The case of the prosecution is that the accused person used to consume liquor near the community cart used for procession in funeral in the local village and they used to abuse the general public in filthy language. On 28.07.2022 at about 7.30 PM, the deceased was returning back home and he noticed the accused persons consuming liquor. He shouted at them and there was a wordy quarrel. At that time, A1 and A2 are said to have attacked the deceased with hands on his chest and the deceased fell down. A3 and A4 assaulted with legs on his chest and A5 is said to have attacked with a wooden log. The deceased ultimately died due to myocardial infarction. An FIR came to be registered in Crime No.272 of 2022 for the offence under Sections 147, 148, 302 r/w. 149 of



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IPC against five accused persons. The petitioner was arrayed as A2 in the
FIR.

3. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubt. Accordingly, convicted and sentenced the petitioner as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 302 r/w. 149 of IPC	Life Imprisonment and fine of Rs.5,000/-, in default to undergo three months Rigorous Imprisonment.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. In our considered view, the entire incident had taken place under the influence of alcohol and even in the post-mortem report, it is seen that the deceased also consumed alcohol. Ultimately, the death was



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caused due to myocardial infarction. Apart from that, the overt act attributed against the petitioner is that he attacked with his hands. This Court has to see if there was a causal connection between the injuries sustained and the death and the Court must also see if the present case can be brought within the exceptions to Section 300 of IPC. Hence, a *prima facie* case has been made out in this case.

6. The petitioner had earlier filed a petition for suspension of sentence in Crl.M.P(MD) No.16553 of 2025 and the same was dismissed as withdrawn, by order dated 15.12.2025. As a subsequent event, this Court had granted suspension of sentence for A1 in Crl.M.P(MD) No. 2300 of 2026 in Crl.A(MD) No.162 of 2026, by an order dated 07.04.2026, for A3 and A5 in Crl.M.P(MD) No.1342 of 2026 in Crl.A(MD) No.101 of 2026, dated 02.04.2026 and Crl.M.P(MD) No. 7525 of 2026 in Crl.A(MD) No.1130 of 2026, by an order dated 09.04.2026 and hence, the petitioner herein must also be considered on the very same yardstick.



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7. This Court takes into consideration the fact that the petitioner does not have any previous cases and the co-accused were also granted bail by this Court 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 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.



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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 calender month, till the disposal of the Criminal Appeal.*

[N.A.V., J.] & [K.K.R.K, J.]
15.04.2026

NCC : Yes / No
Index : Yes / No
Indu

To

1. The learned Principal Sessions Judge, Theni.
2. The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
3. The Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.ANAND VENKATESH, J.
AND
K.K.RAMAKRISHNAN, J.

Indu

ORDER
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CRL MP(MD) No.7911 of 2026
in
Crl.A.(MD) No.1186 of 2025

Date : 15/04/2026