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CRL MP(MD) NO. 7133 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2026

CORAM

THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.M.P(MD) No.7871 of 2026

in Crl.A(MD) No.438 of 2026

G.Gurusamy

Petitioner

Vs

State of Tamilnadu,
Represented by the Inspector of Police,
Oomachikulam Police Station
(Appanthirupathi), Madurai District.
Crime No.975/2012.

Respondent(s)

For Petitioner:

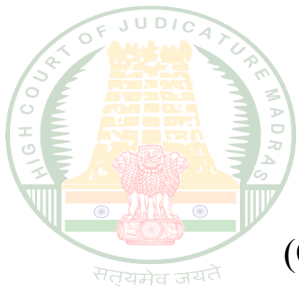
Mr.S.Rajasekaran

For Respondent:

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

Prayer:

To suspend the operation and execution of sentence imposed by the learned VI Additional District and Sessions Court, Madurai in SC.No.199/2015, dated 17.02.2026 and may be pleased to enlarge the above petitioner/appellant on bail till the disposal of pending appeal.



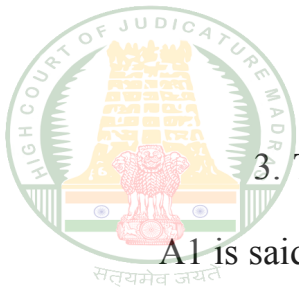
ORDER

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

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This petition has been filed by the petitioner seeking for suspension of the sentence imposed in the judgment made in S.C.No.199 of 2015 on the file of the VI Additional District and Sessions Court, Madurai, dated 17.02.2026 and to enlarge the petitioner on bail.

2. The case of the prosecution is that A1 is the husband of A4 and the father of A3. A2 is the aide of A1. PW1 is the wife of the deceased. There was a property dispute regarding the purchase of the property abutting the house of the deceased. On 16.12.2012, when PW1 was alone in her house, A1 and A2 are said to have intimidated her by proclaiming that they would eliminate her husband if he interfered with their affairs and the same was informed by PW1 to her husband. He, along with another person, went to the place of A1 and questioned them as to why they had intimidated his wife. A1 and A2 replied that he should not have purchased the disputed land against their wishes. Thereafter, A2 and A3 attacked the deceased on his head with a wooden log and a bamboo stick and the deceased sustained bleeding injuries. A1 and A4 are said to have pulled his legs and caused injuries to both knees. The deceased was taken to the Government Rajaji Medical College Hospital, Madurai and he succumbed to the injuries on 21.12.2012. Under such circumstances, based on the complaint given by PW1, an FIR came to be registered in Crime No.975 of 2012.



3. There are totally four accused persons in this case and the petitioner is A2.

A1 is said to have died and hence, the charges have abated.

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4. Insofar as the petitioner / A2 is concerned, he has been convicted for offence under Section 302 r/w.34 of IPC and sentenced to undergo life imprisonment to pay fine of Rs.5,000/- in default to undergo six months Simple Imprisonment.

5. Heard the learned counsel for the petitioner and the learned Counsel for State of TN (Crl.Side) appearing on behalf of the respondent.

6. The main ground that was urged by the learned counsel for the petitioner is that there was a property dispute between the parties and there was no intention or knowledge on the part of the accused persons to do away with the deceased. The entire incident, as projected by the prosecution, has taken place in the heat of the moment. It was further submitted that the petitioner has been suffering incarceration from February 2026 onwards.

7. Heard the learned counsel for the petitioner and the learned Counsel for State of TN (crl.side) appearing on behalf of the respondent.

8. The learned Counsel for State of TN (Crl.Side), based on the counter filed, submitted that there was a clear eyewitness account of PW1, who has explained the entire incident and the incident took place on 16.12.2012 and the deceased succumbed to the injuries on 21.12.2012.



9. The learned counsel for State of TN, on instructions, submitted that there are no previous cases against the petitioner.

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10. Taking into consideration the grounds raised in these petition, a *prima facie* case has been made out and the petitioner has suffered incarceration from February 2026 and this Court also takes into consideration the fact that there are no previous cases against the petitioner and this Court had granted suspension of sentence imposed on the A3 and A5 in CrI.M.P(MD) No.7133 and 7134 of 2026 in CrI.A(MD) No.412 and 413 of 2026, by an order dated 18.06.2026 and the same yardstick will apply to the petitioner (A2) also and that it will take some more time for this Court to take up the Criminal Appeals on merits.

11. In the light of the above discussion, we are inclined to grant suspension of sentence, suspending the sentence imposed against the petitioner and accordingly, the petition is allowed on 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 VI Additional District and Sessions Court, Madurai.

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.)
24.06.2026

Indu

To

- 1.The learned VI Additional District and Sessions Court, Madurai.
- 2.The Inspector Of Police, Oomachikulam Police Station,
(Appanthirupathi), Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.