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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

CRL MP(MD) No. 9536 of 2026

CNR:{HCMD010577572026}

Case QR

Senthurian
S/o.Pappuraj,
Arokkiamadha Street,
Ramayanpatti,
Dindigul District.
Now confined at Madurai Central Prison.

..Petitioner(s)

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
Dindigul Taluk Police Station,
Dindigul.
(Crime No. 1245 of 2020)

..Respondent(s)

PRAYER: C-60. To Suspend the sentence of Imprisonment imposed in S.C. No. 103 of 2021 dt. 25.02.2026 on the file of the Additional District and Sessions Court, Dindigul and enlarge the petitioner/Appellant on bail, pending disposal of the above said appeal

For Petitioner(s) :M/s P.Manikandan
M/s M.Murugan

For Respondent(s) :M/s.C.Christopher
Additional Public Prosecutor

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ORDER

(Order of the Court was made by M. NIRMAL KUMAR J.)

Seeking to suspend the sentence imposed on the petitioner by the Additional District and Sessions Court, Dindigul in S.C. No. 103 of 2021 dated 25.02.2026, the present criminal miscellaneous petition has been filed.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 r/w. 34 of IPC	Life Imprisonment	Rs.10,000/- i/d to undergo three months simple imprisonment

3. The case of the prosecution is that, on 19.11.2020, at about 10.40 p.m., all the accused persons, armed with weapons, were travelling in a vehicle bearing Registration No. TN 57 W 10887. At that time, the deceased was proceeding in a two-wheeler bearing Registration No. TN 57 BK 4774, along with P.W.2. It is alleged that A1 and A2 intercepted the deceased, and A2 punched him on his face, causing him to fall down. Thereafter, the accused persons allegedly assaulted the deceased with deadly weapons and committed his murder. Hence the case

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4. The respondent police after completion of investigation filed a final report before the concerned Court and thereby the same was taken on file in PRC No. 6 of 2021 and was made over to the Additional District and Sessions Court, Dindigul and was taken for trial in SC No. 103 of 2021. On the side of the prosecution, P.W.1 to P.W.17 were examined and Ex.P.1 to Ex.P.30 and M.O.1 to M.O.13 were marked. When the accused was questioned under Section 313 of Cr.P.C., he denied all charges. On the side of the accused no witness was examined and documents were marked.. After hearing both sides the trial Court convicted accused as stated above.

5.The learned counsel appearing for the petitioner would submit that in this case there are totally five accused. Upon conclusion of trial, the trial Court acquitted A3 to A5 and convicted A1 and A2. She would further submit that as per the evidence of PW.2 the petitioner along with A1 pushed down PW.2 and at that time the petitioner said to have placed knife on PW.2 neck and not allowed him to move and it was the other accused who had chased the deceased and attacked him and caused his death. Later PW.2 went to the spot and found the deceased done to death and thereafter he called his friends and the police had come to the place of occurrence. She would further submit that the only allegation against

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the petitioner is that he only restrained PW.2 and not allowed to move, hence she seeks to suspend the sentence imposed on the petitioner.

6. The learned Additional Public Prosecutor submitted that the petitioner along with other accused had committed a brutal murder of the deceased by assaulting him with weapons. Further A2 said to have placed the knife on PW.2 and the other accused chased the deceased and assaulted him and done to death. He would further submit that the injuries sustained by the deceased are severe in nature and the trial court rightly finding the petitioner guilty had convicted him. He would further submit that after this case the petitioner involved in nine other cases and he is a history sheeted rowdy, hence he strongly objected to grant bail to the petitioner.

7. Heard both sides and perused the materials available on record.

8. It is the admitted case of PW.2 that the petitioner restrained him from not moving to saw the deceased and it is only the other accused who is said to have assaulted the deceased and caused death Though PW.2 admits the case of the prosecution in the chief examination he has not supported the case of the prosecution in the cross examination and declared hostile. Other than PW.2 no other witnesses spoke abou the

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petitioner. Admittedly petitioner had not gone near the deceased and caused an injury. In view of the above the conviction of the petitioner needs re-consideration. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, 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 Additional District and Sessions Court, Dindigul

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders. In addition to that the petitioner shall report before the respondent police on every Monday at 10.30 a.m., for a period of three months, except the days when he is required to attend courts in connection with other cases.

iv. On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been

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imposed and the petitioner released on bail by the learned Sessions Judge /Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(M.N.K.,J.) (N.G.N.,J.)
03-11-2026

AAV

To

1. The Additional District and Sessions Court, Dindigul

2. The Inspector Of Police,
   Dindigul Taluk Police Station
   Dindigul

3. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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AND
N.GUNASEKARAN, J.
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