

CrL.M.P.(MD) No.9436 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM

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

**CRL.MP(MD) No.9436 of 2026
in
CrL.A(MD)No.289 of 2026**

Tirupathi

.....Petitioner /Accused No.1

Vs.

State of Tamil Nadu Rep. by
The Inspector of Police,
Vadamadurai Police Station
Dindigul District.
Crime No.332 of 2019.

..... Respondent /complainant

PRAYER : Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner in S.C.No.156 of 2021, dated 29.01.2026 by the learned Principal Sessions Judge, Dindigul and enlarge the petitioner on bail, pending disposal of the above criminal appeal.



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

For Respondent : Mr.C.Christopher

Counsel for State of Tamil Nadu (Crl. side)

ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the Principal Sessions Judge, Dindigul, *vide* Judgment dated 29.01.2026 in S.C.No.156 of 2021, he has filed the Criminal Miscellaneous Petition.

2. The case of the prosecution is that there was a long-standing enmity between the family of the deceased and the accused persons arising out of a property dispute. On 28.07.2019 at about 8.30 AM, when P.W.1, P.W.2 and the deceased were present near their house, A1 to A4 are said to have restrained them and attacked P.W.2 and the deceased with a knife. A1 stabbed P.W.1 on his abdomen and thereafter A2 also stabbed the deceased. The deceased succumbed to the injuries on the way to the hospital. P.W.2 sustained injuries in this incident. Based on the complaint given by P.W.1, an FIR came to be registered in Crime No.332



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of 2019 for the offences punishable under Sections 341, 307 and 302 IPC.

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There are totally four accused persons in this case and the present petition has been filed by A1.

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 doubts and accordingly, convicted and sentenced the petitioner in the following manner:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 307 IPC	Four years Imprisonment and fine of Rs.5,000/-, in default to undergo six months Imprisonment.
Section 341 r/w. 34 IPC (2 counts)	One month Simple Imprisonment each.
Section 302 r/w. 34 IPC	Life Imprisonment and fine of Rs.10,000/-, in default to undergo one year imprisonment

The above sentence was directed to run concurrently.



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4. The learned counsel for the petitioner would submit that though the petitioner has been ranked as A1, the overt act against him is that he has only caused injuries on PW2. Similarly, placed accused i.e., A3 and A4, who have not caused any injuries to the deceased, have been granted bail by this Court in CrI.MP(MD)No.5932 of 2026. He would further submit that whether the petitioner shared a common intention with the other accused in commission of murder is a matter for argument and since he is similarly placed that of the other accused who have not caused injury to the deceased and granted bail, he may be granted bail.

5. The respondent has filed a counter. Mr.C.Christopher, learned Counsel for State of Tamil Nadu appearing for the respondent vehemently opposed stating that the petitioner along with the other accused shared the common intention to commit the murder of the deceased. P.W.1 is the mother of the deceased and wife of the injured witness P.W.2. P.W.2 is the father of the deceased. Accused No.1 is the brother P.W.2. The petitioner stabbed PW2 with a knife resulting in sustaining injury in the abdomen. The deceased was attacked by A2 and he died after three days in the hospital. The trial Court rightly appreciating



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the evidence has convicted the accused, and he would object for grant of suspension of sentence to the petitioner, thereby, he would vehemently oppose for grant of bail to the petitioner.

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

7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Taking into consideration the fact that A3 and A4 have been granted bail and as far as the overt act against the petitioner is that he has caused injury to PW2, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein are 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



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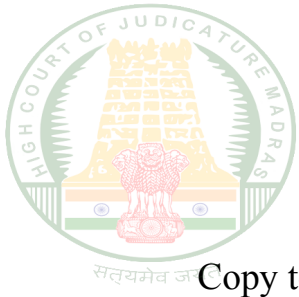
for a like sum to the satisfaction of the learned Principal Sessions Judge,
Dindigul.

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.

[A.D.J.C., J.] [R.P., J.]
30.06.2026

rm



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



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AND
R.POORNIMA, J.

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