



CrIMP(MD)No.6571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.6571 of 2025
in
CrIA(MD)No.534 of 2025**

Deepak

...Petitioner

Vs

**State of Tamilnadu rep by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
[Crime No.178 of 2024]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence passed in SC.No.118 of 2024, dated 28.02.2025 on the file of the Additional (Fast Track) Court, Theni district pending disposal of the above said criminal appeal.

**For Petitioner : Mr.K.Jeyamohan,
for Ms.R.Nithya**

**For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate**

ORDER

The petitioner is accused No.1 in SC.No.118 of 2024 on the file of the Additional District (Fast Track) Court, Theni District.



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By judgment dated 28.02.2025, the petitioner was found guilty, convicted and sentenced to undergo one month simple imprisonment for the offence under Section 294(b) IPC and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 307 IPC. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD)No.534 of 2025 and the same has been admitted by this Court on 30.04.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The case of the prosecution is that the accused have assaulted PW2 with hands and abused him in filthy language and this petitioner / accused No.1 has stabbed the PW2 with a knife and caused injury. Hence the case.

3.The learned counsel for the petitioner submits that final report has been filed as against accused Nos.2 to 4 that they have abused PW2 in a filthy language and during the trial, it has been improved in the evidence and they have been acquitted of the charges. The date of



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occurrence is on 29.05.2024 at 21.15 hrs, but the FIR was registered on 30.05.2024 at 00.45 hrs and the FIR reached the court on 30.05.2024 at 7.45pm. He further submits that there is no whisper about usage of any weapon in the commission of offence, in the earliest information provided before the Doctor, however, later on it is alleged that a knife has been used. According to the Doctor, the injuries could have been caused with a blunt object. There is no independent witness examined by the prosecution, when the occurrence had taken place during a meeting. The petitioner is in jail for 1 year and 2 months.

4.The learned Government Advocate appearing for the respondent submits that the points raised by the petitioner can be appreciated during the appeal. He further submits that the petitioner is not having any other case.

5.This court has considered the rival submissions made.



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6.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the period of incarceration and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Additional (Fast Track) Court, Theni.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence and will be available during the appeal proceedings.



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(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

15.04.2026

DSK

To

- 1.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 2.The Additional (Fast Track) Court,
Theni.
- 3.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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