



CRL MP(MD). No.10070 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/06/2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD). No.10070 of 2026

in

Crl.A(MD).No.602 of 2026

A.Murugan

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Mandaikadu Police Station,
Mandaikadu - 629252,
Kanyakumari District.
Crime No. 32 of 2009..

... Respondent

PRAYER :- Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in S.C. No. 3 of 2012 dated 13.03.2026 on the file of the learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District and enlarge the petitioner on bail pending disposal of above appeal.



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For Petitioner : Mr.Kumaravel V J
For Respondent : Mr.A.Robin Son,
Government Advocate (Crl.Side)

ORDER

The petitioner, an accused in S.C. No. 3 of 2012, on the file of the learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	332 IPC	1 year RI	Rs.5,000/-	1 month SI

As against the conviction and sentence imposed by the trial Court in S.C. No. 3 of 2012, dated 13.03.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.602 of 2026 and the same was admitted by this Court on 03.06.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 10.03.2009, the defacto complainant restrained members of the public from entering the sea area



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for bathing. Aggrieved by such restraint, the accused persons questioned the defacto complainant as to why they were being prevented from taking a bath in the sea. Thereafter, a wordy quarrel arose between them, during which the accused persons allegedly pelted stones at the front windshield of a Government bus. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in this case. He further submits that at the place of occurrence more than 5,000 persons had gathered and a large number of people questioned the authority of the defacto complainant; however, the case was registered only against a few individuals. He further submits that the accused persons were not properly identified by the witnesses and that no Identification Parade was conducted by the investigating agency. He further submits that the trial Court convicted the petitioner without properly appreciating the entire evidence on record. Hence, he seeks suspension of the sentence imposed upon the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner along with the other accused persons, pelted stones at the defacto complainant and also caused damage to a Government bus. He further submits that the trial Court convicted the petitioner only after duly considering the entire evidence and the materials available on record. Hence, he prays for dismissal of this petition.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. The petitioner claims that the accused persons were not properly identified by the witnesses and that no Identification Parade was conducted by the investigating agency. The petitioner has raised certain arguable points, 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 points raised by the petitioner and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



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7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Additional District and Sessions Judge, Padmanabhapuram, Kanniyakumari District.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- iv. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not involve in any offence in future.



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v. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

17.06.2026

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TO

1. The Additional District and Sessions Court,
Padmanabhapuram, Kanniyakumari District.
2. The Inspector of Police,
Mandaikadu Police Station,
Mandaikadu - 629252,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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**ORDER
IN
CRL MP(MD) No.10070 of 2026**

Date : 17/06/2026