



CrIMP(MD)No.9955 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.9955 of 2026
in
CrIA(MD)No.587 of 2026**

Masi Periyannan alias Siva

...Petitioner

Vs

State represented by Inspector of Police,
Somarasampettai Police Station,
Tiruchirappalli District.
[Crime No.327 of 2022]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed upon the petitioner / 3rd accused in SC.No.84 of 2023, dated 15.05.2026 before the Mahila Court, Tiruchirappalli and enlarge the petitioner / 3rd respondent on bail pending disposal of the appeal.

For Petitioner : Mr.S.K.Mani

For Respondent : Mr.A.Robinson,

Government Advocate



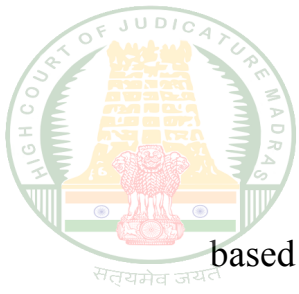
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ORDER

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The petitioner is accused No.3 in SC.No.84 of 2023 on the file of the Mahila Court, Tiruchirappalli. The petitioners were charged for the offence under Sections 147, 148, 294 (b), 323, 307 and 506(2) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and by judgment dated 15.05.2026, he has been convicted and sentenced to undergo 5 years of rigorous imprisonment with a fine of Rs.2000/- and in default to pay the fine, to undergo two months simple imprisonment for the offence under section 307 IPC and accused No.1 has been convicted and sentenced to undergo 1 year rigorous imprisonment and to pay Rs.1000/-, in default to undergo 2 months simple imprisonment. The petitioner has been acquitted of all other charges. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.587 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 21.05.2026.

2.The learned counsel appearing for the petitioner submits that the trial court has convicted the petitioners under Section 307 IPC solely



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based on the evidence of PW12. PW12 is the Doctor, who treated PW4 and the doctor has noted bleeding from the spleen and PW4 was admitted in the hospital from 10.10.2022 and his spleen was removed. The learned counsel by referring to the evidence of PW12 submits that PW4 was suffering with Lymphoma on is spleen and during his treatment, PW4 was advised to remove his spleen. However, this has been taken as ground that the accused have caused injury on the victim.

3.The learned counsel has also relied on the evidence of the Doctor PW9, who treated PW4 and recorded accident register and submits that PW4 stated before PW9 that around 15 persons have assaulted him. The victim has not stated anything about the injury on his stomach. However, the prosecution after removal of the spleen, has created a story as if 7 accused have indiscriminately stomped the victim on his stomach, which resulted in injury. Therefore, the trial court has also mechanically convicted the petitioners under Section 307 IPC.

4.The learned Government Counsel opposes grant of bail that the petitioner and other accused have caused injuries on the victim and due

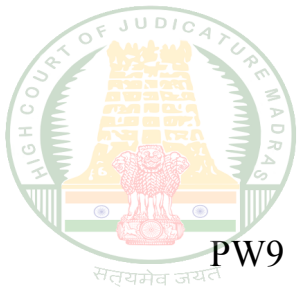


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to the injury his spleen was removed. Therefore, the learned counsel strongly opposes grant of bail.

5.This court has considered the rival submissions made.

6.The petitioner has been found guilty for the offence under Section 307 IPC that due to the assault on the victim / PW4, by the accused, the spleen of the victim PW4 was removed. The victim who was produced before the doctor immediate to the occurrence has stated that around 15 persons attacked him and he sustained some injuries. However, he has not stated about the injury on the stomach. The overt act attributed as against the petitioner and other accused is that they have stomped PW4 on his stomach and this has not been reported by the victim before the doctor PW9, who treated the victim at the initial stage and it has been developed during the statement recorded under Section 163 CrPC, after removal of spleen. The doctor PW12, who has removed the spleen of the victim has noted that the victim was suffering with lymphoma and on account of that there was contusion in the spleen. Moreover the victim and other witnesses have stated before the doctor



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PW9 that they were assaulted by 15 persons. However, prosecution has been laid only as against 7 persons. Further the overt act attributed uniformly as against the petitioner and other accused is that they have stomped the victim. 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 petitioners and 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 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 Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Mahila Court, Trichy.

(ii)The petitioner and the sureties shall file an affidavit before the respondent police that the petitioners will not misuse this liberty and will not indulge in any further offence.



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

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

01.07.2026

DSK

To

- 1.The Mahila Court,
Trichy.
- 2.The Inspector of Police,
Somarasampettai Police Station,
Tiruchirappalli District.
- 3.The Superintendent,
Central Prison,
Trichy.

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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