



*Crl.MP(MD) No.10176 of 2026 in
Crl.A(MD) No.617 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10176 of 2026
in Crl.A.(MD)No.617 of 2026

Thulasi Sekaran

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Manaparai Sub Division,
Vayampatti Police Station,
Trichy District.

2.Kamaraj

... Respondents

Prayer: Petition filed under Section 430(1) of BNSS to suspend the execution of sentence by granting bail in Spl.S.C.No.14 of 2019, dated 26.05.2026, on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli District, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu

For Respondents : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1



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ORDER

The petitioner, sole accused in Spl.S.C.No.14 of 2019, on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli District was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	294(b) IPC	3 months SI	-	-
2	353 IPC	1 year SI	-	-
3	355 IPC	1 year SI	-	-
4	3(1)(r) of SC/ST Act	2 years SI	Rs.5,000/-	2 months SI
5	3(1)(s) of SC/ST Act	2 years SI	Rs.5,000/-	2 months SI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.14 of 2019, dated 26.05.2026, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.617 of 2026 and the same was admitted by this Court on 15.06.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2. The case of the prosecution is that on 17.04.2018, at about 10.00 pm, in the respondent Police Station, the petitioner / accused beat one Chinnakalai, who is an accused in Crime No.79 of 2018 on the file of the respondent Police. When the defacto complainant questioned about the same, the petitioner / accused abused the defacto complainant by making derogatory remarks about his community. Hence, the complainant.

3. The learned senior counsel for the petitioner submits that, the petitioner has been convicted under Section 3(1)(r) of the SC/ST (POA) Act and acquitted under Section 506(ii) IPC, though both the offences are similar in nature. He further submits that, as per the evidence of PW2, the alleged occurrence is said to have taken place in the police station where the petitioner is stated to have abused him by using his caste name. Since the alleged incident did not occur in public view, the ingredients of Section 3(1)(r) of the SC/ST Act are not attracted. Insofar as Sections 353 and 355 IPC are concerned, even assuming the entire evidence is taken into consideration, the same does not establish the alleged offences against the petitioner. It is stated that the petitioner is alleged to have slapped one



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Chinnakalai inside the police station in the presence of the second respondent; however, the said Chinnakalai has not been examined before the Trial Court. No independent witnesses have been examined to support the allegations under the SC/ST Act. A reading of the entire evidence would show that the petitioner was not aware of the caste of the second respondent, and no material has been produced to prove the same. He further submits that the occurrence is stated to have taken place on 17.04.2018 at about 22.30 hours. However, the present complaint was given only on 21.04.2018, whereas the petitioner had already submitted an online complaint on the same day of occurrence. It is therefore submitted that the delayed complaint has been made only as an afterthought to escape from the clutches of law.

4. The learned Government Advocate appearing for the first respondent police submits that the occurrence took place in a public place and was also captured on CCTV; the CCTV footage was placed before the Trial Court; there are eyewitnesses to the incident and, therefore, according to the prosecution, the case has been established beyond reasonable doubt. She further points out that the appellant is also involved in another case in



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Crime No.432 of 2016 on the file of the respondent Police for the offences punishable under Sections 279, 337 and 338 IPC.

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

6. 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.

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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned I Additional District and



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Sessions Judge (PCR), Tiruchirappalli 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 learned I Additional District and Sessions Judge (PCR), Tiruchirappalli District, on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.
- 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.
- 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.

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To

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- 1.The learned I Additional District and Sessions Judge (PCR),
Tiruchirappalli District.
- 2.The Deputy Superintendent of Police,
Manaparai Sub Division,
Vayampatti Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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