

*CrIMP(MD)No.11357 of 2026
in CrI A(MD)No.685 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrIMP(MD)No.11357 of 2026
in
CrI A(MD)No.685 of 2026

1.Maran

2.Ganesan

3.Gopalakrishynan

...Petitioners/
A1, A6 & A7

Vs

State of Tamil Nadu,
the Inspector of Police,
Annanagar Police Station,
Madurai.
[Crime No.796 of 2001]

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed by the IV Additional District and Sessions Judge, Madurai in SC.No.335 of 2005, dated 10.06.2026 and enlarge the petitioner / appellant on bail, pending disposal of the above said criminal appeal.



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For Petitioner : Mr.N.R.Elango,
Senior Counsel for
Mr.P.Thilakkumar. P
For Respondent : Mrs.Moushica,
Government Advocate

ORDER

The petitioners are accused Nos.1, 6 and 7 in SC.No.335 of 2005 on the file of the learned IV Additional District and Sessions Judge, Madurai. They were tried along with four others for the offence under Sections 147, 353, 332 r/w 149 IPC and Section 3(1) of TNPPDL Act. The trial court found them guilty of all the charges, convicted and sentenced each of them to undergo 2 years simple imprisonment with a fine of Rs.1000/- in default to undergo 6 months simple imprisonment for each of the offence under Sections 147, 353, 332 r/w 149 IPC and to undergo 4 years imprisonment with a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment for the offence under Section 3(1) of TNPPDL Act. As against the conviction and sentence imposed by the trial court, the petitioners have filed an appeal in CrIA(MD)No.685 of 2026 and the same has been admitted by this court by order dated 17.06.2026 on the grounds raised therein. Along with the appeal, the



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petitioners have filed this petition to suspend the sentence.

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2.The learned senior counsel appearing for the petitioners has made his submissions as follows:

(i) Even according to the prosecution case, the petitioners were taken to the learned Judicial Magistrate Court for remand and they were under custody of the police and therefore, the charge as against the petitioners under Section 147 IPC is not sustainable. When they were already under custody of the Inspector of Police [PW1] and the Sub Inspector of Police [PW3], it cannot be treated as unlawful assembly, but the prosecution has projected as that of an unlawful assembly to commit an offence.

(ii) PW2 is said to have sustained injury, which has been caused by the A4. A4 died during trial and therefore, the charges against A4 abated. The petitioners were escorted by PW1 and PW3 and therefore, the petitioners cannot be charged under Section 149 IPC for the individual act of A4.

(iii)The injury has not been proved by examining any government doctor and PW6 is a private doctor. Further there are discrepancies in the



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evidence with regard to the time of treatment taken by PW2. He went to the Doctor at about 10.20pm, whereas he went to the police station at 3.00pm.

(iv)The case of the prosecution is that the accused have caused damages to the windows in the court halls. Pieces of glass have been produced as material object and the value of the damage has been projected as Rs.730/-, but the valuation certificate has been made without ascertaining whether the glasses have already been damaged due to wear and tear in the old court halls.

(v)The mahazar witnesses were not examined and there is an inordinate delay in despatching the material object.

(vi)The occurrence had taken place on 30.06.2001, however, the request for issuance of the valuation certificate was made on 25.10.2001 with a delay of 4 months and the valuation certificate was issued only on 21.12.2021 after a period of 6 months from the date of occurrence. The valuation report does not reflect the date of inspection of the premises.

(vii) The court staff PW4 and PW5 have categorically deposed that they did not see the accused persons at the place of occurrence and they



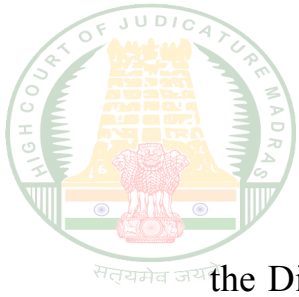
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could not identify these petitioners as miscreants. While so, the trial court has believed the testimonies of PW1, PW2 and PW3, who belong to the police department and has convicted the petitioners.

(viii)The petitioners were taken to the court for remand in connection with crime No.816 of 2001 on the file of the Anna Nagar Police Station. However, the said FIR and remand papers have not been placed before the court to prove that the petitioners were present in the court for remand and they have caused damages.

3.The learned Government Counsel appearing for the respondent submits that the petitioners were arrested by the Anna Nagar Police on 30.06.2001 in connection with Crime No.816 of 2001 on the file of the Anna Nagar Police Station, Madurai, which was registered for the offence under Sections 143, 341 and 188 IPC and 7(1) of the Criminal Law Amendment Act. They were taken to the District Court Complex, Madurai for remand along with 4 others. Some of the accused have formed unlawful assembly in with a common object of causing damages to the public property, smashed the notice board and window glasses of PCR Court, MCOP Court, JM-V Court situated near the main entrance of



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the District Court Complex, Madurai and caused loss to the government to the tune of Rs.730/-. When the defacto complainant / the Inspector of Police attempted to prevent these petitioners and others from causing any damages, A4 assaulted him with a stone on his right ear and caused simple injury.

4.He further submits that pending trial A2 Selvam and A4 Burma Kannan died. A3 and A5 are still absconding and the case as against A3 and A5 was split up and numbered as SC.No.540 of 2023 and SC.No.577 of 2023 and the same are pending. The trial in SC.No.335 of 2005 as against the petitioners was proceeded, witnesses were examined and the trial court based on the evidence of PW1 to PW3 and the evidence of the court staff convicted the petitioners as referred above. According to the learned Government Counsel, the petitioners have damaged the court properties with an intention to deter the court as well the public and also assaulted PW1 / Inspector of Police and therefore, this is not a fit for case grant of bail.

5.This court has considered the rival submissions made.



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6. Admittedly the petitioners were on police custody on the date of occurrence. They were arrested in connection with a case in Crime No.816 of 2001 on the file of the Anna Nagar Police Station and they were taken to the court by PW1 to PW3. The allegation as against the petitioners is that they have caused damage to the notice board, and windows glasses of all the court halls. It is not known under what circumstances, the occurrence had taken place. The main allegation is levelled as against A4 that he caused injury to PW1/ Inspector of Police with stone. The material object stone has not been recovered and placed before the court. This charge as against A4 is abated due to his death. The damage caused to the property is valued as Rs.730/-. The allegation as against all the accused is that they have caused this damage, but specific overt act has not been mentioned as against each of the petitioners. The trial court has found the petitioners guilty based on the evidence of the police officers alone. Though court staff have been cited as witnesses, no identification parade was conducted and the court staff had not identified each of the petitioners with specific overt act. The petitioners have raised several grounds, which can be considered only during the final hearing of the appeal. However, the appeal could



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not be taken up immediately for want of time. The petitioners are in jail.

Since the appeal could not be taken up immediately for hearing and considering the grounds raised in support of the appeal, this court is inclined to suspend the sentence.

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

(i) The petitioners are ordered to be enlarged on bail on each executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned IV Additional District and Sessions Judge, Madurai.

(ii) The petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand) each to the credit of SC.No.335 of 2005 on the file of the IV Additional District and Sessions Court, Madurai.

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

(iv) If the petitioners change their residence, the same shall be informed to the respondent police immediately with correct address.

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

22.06.2026

DSK

To

1.IV Additional District and
Sessions Judge, Madurai.

2.The Inspector of Police,
Annanagar Police Station,
Madurai.

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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