



Crl.MP(MD)No.11474 of 2025 in
Crl.A(MD) No.916 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.11474 of 2025
in
Crl.A(MD)No.916 of 2025

1.Jeyakumar
2.Rooban

...Petitioners

Vs

The Inspector of Police (L &O),
K.Pudur Police Station,
Madurai District.
[Crime No.689 of 2012]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed against the petitioner in SC.No.243 of 2014, dated 30.07.2025 on the file of the Principal District and Sessions Judge, Madurai and enlarge them on bail pending disposal of the above criminal appeal.

For Petitioners : Mr.M.Chandrabose
For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl Side)



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ORDER

The petitioners are accused Nos.1 and 2 in SC.No.243 of 2014 on the file of the Principal District and Sessions Judge, Madurai and they have been tried and by judgment dated 30.07.2025 they have been convicted and sentenced to undergo two years rigorous imprisonment and to pay fine of Rs.1,000/- in default to undergo three months simple imprisonment for the offence under Section 5 of the TNPPDL Act. As against the conviction and sentence, the petitioners have filed an appeal before this court in CrlA(MD)No.916 of 2025 and the same was admitted by this Court, by order dated 28.08.2025. They have also moved this petition on 18.08.2025 to suspend the sentence imposed on them. However, the learned counsel for the petitioner has not prosecuted the application and it is pending for the past seven months.

2.The maximum punishment imposed on the petitioners is two years rigorous imprisonment. The trial courts are supposed to



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suspend the sentence, in the event, if the punishment imposed on the accused is less than three years. Therefore, this Court has verified as to whether the sentence imposed on the petitioners has been suspended by the trial Court and whether they have surrendered before the Court on expiry of the suspension period. The learned counsel for the petitioner was not equipped and therefore he represented before this Court that the petitioners would surrender before the Court immediately. Considering this submission and also considering the nature of offence, period of sentence, this Court by its order, dated 24.03.2026 dismissed the application with liberty to the petitioners to surrender and thereafter move a fresh application.

3.However, while signing the order, it was found that these petitioners are confined at Central Prison, Madurai. It is very unfortunate that neither the petitioner's counsel, nor the Government Advocate has referred about the confinement of the petitioners. Based on a misrepresentation, this Court has rejected the application.



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Thus, the matter is listed today under the caption "for clarification".

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The order, dated 24.03.2026, though not signed and dispatched, is hereby recalled.

4.It appears that these petitioners are in jail for the past eight months. Considering the nature of offence and the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioners. However, the learned Government Advocate (Crl.side) appearing for the respondent has raised objections that the petitioners are having bad antecedents that 11 previous cases are pending as against the first petitioner and three previous cases are pending as against the second petitioner.

5.Considering the objections of the learned Government Advocate (Crl.side) that the petitioners are having bad antecedents, this Court, while granting suspension of sentence is imposing certain stringent conditions on the petitioners.



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

- i. The petitioners shall execute 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 Principal District and Sessions Judge, Madurai, out of which, one surety each must be Government servants.
- ii. The persons, who are offering surety to the petitioners must file an affidavit of undertaking before the respondent police, ensuring that the petitioners will not involve in any offence in future and they will be available during the final



hearing of the appeal. The petitioners shall also file an affidavit to that effect.

iii. The petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.

iv. In the event, if there is any change in address of the petitioners, the same shall be duly informed to the respondent police without fail.

v. If the petitioners violate any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

15.04.2026

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To
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- 1.The Principal District and Sessions Judge, Madurai
- 2.The Inspector of Police (L &O),
K.Pudur Police Station,
Madurai District.
- 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.,

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**Order made in
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