



Crl.MP(MD)No.14114 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :25.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.14114 of 2025

in

Crl.A(MD) No.868 of 2025

Senthil

... Petitioner

Vs.

State of Tamil Nadu rep by
the Inspector of Police,
Vaaththalai Police Station,
Trichy.
[Crime No.327 of 2021]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed by the II Additional District and Sessions Judge, Trichy in Sessions case No.61 of 2022 by the judgment dated 21.07.2025 and enlarge the petitioner / appellant on bail, pending disposal of the above said criminal appeal.

For Petitioner : Mr.T.J.Ebenezer Charles

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate



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ORDER

The petitioner is accused No.1 in SC.No.61 of 2022 on the file of the II Additional District and Sessions Judge, Trichy. He was charged for the offence under Sections 294(b) and 302 IPC that the petitioner along with other accused has murdered one Marudhai on 24.09.2021. By judgment dated 21.07.2025 the petitioner has been found guilty, convicted and sentenced to undergo ten years of rigorous imprisonment with a fine of Rs.1,000/- and in default to pay the fine, to undergo six months simple imprisonment for the offence under Section 304(2) IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.868 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 14.08.2025.

2.The learned counsel appearing for the petitioner submits that the deceased has drawn water illegally from a river through A2's land that was objected to by A2 and therefore, there was a quarrel between the deceased and A2. During the quarrel the deceased fell down and sustained injuries.



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Consequently he has also died. Therefore, a case has been foisted as against them, as if the petitioner has thrown a stone and due to which the victim suffered injury and died on the spot.

3.The learned counsel for the petitioner by referring to the evidence of PW4 submits that PW4 is an independent eye witness and according to PW4, the problem was started by the deceased and he is the aggressor in this case. By referring to the evidence of the Doctor, who conducted autopsy, the learned counsel submits that the deceased died due to heart attack. Therefore, according to the learned counsel, the deceased during the quarrel fell down, sustained injury and died due to heart attack. However, the case has been projected as if the petitioner assaulted the deceased with stone. The learned counsel has also pointed that there is a delay in lodging the complaint and the FIR reaching the court. He further submits that pending trial A2 died and A3 has been acquitted of the charges.

4.The learned Government Advocate opposed this application that this petitioner alone has caused fatal injury and as per the Doctor's evidence, the deceased died of heart attack, due to stoppage of blood because of the injuries caused by the petitioner.



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5.This court has considered the rival submissions made.

6.The petitioner though has been prosecuted for the offence under Section 302 IPC, he has been convicted for the offence under Section 304(ii) IPC. The petitioner is in jail from 21.07.2025. 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 that the appeal could not be taken up immediately and the petitioner's period of incarceration, 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 only) with two sureties each for a like sum to the satisfaction of II Additional District and Sessions Judge, Trichy.



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

(iii)The petitioner shall report before the trial court on the first working day of every month.

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

25.03.2026

DSK

To

- 1.The Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.
- 2.The Additional Sessions Judge (FTMC),
Karur
- 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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