



*Crl.MP(MD)No.18002 of 2025 in
Crl.A(MD) No.1260 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.18002 of 2025
in Crl.A.(MD)No.1260 of 2025

Jebastin Albert Ramesh

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.260/2016

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment passed in Judgment of conviction and sentence in S.C.No.655 of 2018, dated 31.01.2025, on the file of the learned Additional District & Sessions Court (FTC), Tenkasi and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.A.Arputharaj

For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)



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*Crl.MP(MD)No.18002 of 2025 in
Crl.A(MD) No.1260 of 2025*

ORDER

The petitioner, A1 in S.C.No.655 of 2018, on the file of the learned Additional District and Sessions Judge, Additional District and Sessions Court (FTC), Tenkasi was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	304(ii) IPC	10 years RI	-	-

As against the conviction and sentence imposed by the trial Court in S.C.No.655 of 2018, dated 31.01.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.1260 of 2025 and the same was admitted by this Court on 25.11.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 26.06.2016, at about 19.00 hours, at the instigation of A2 and A3, A1 abused the deceased (Thangaselvi) in a filthy language, cut the deceased indiscriminately on her head and caused her death. Hence, the case.



*CrI.MP(MD)No.18002 of 2025 in
CrI.A(MD) No.1260 of 2025*

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3. The learned counsel appearing for the petitioner submits that this petitioner was tried along with two others and the trial Court by Judgment dated 31.01.2025, acquitted A2 and A3. The deceased is the aggressor, who abused A2 and A3 and therefore, there was a quarrel and in the course of quarrel, the deceased fell down and sustained injuries. However, the case has been projected as if this petitioner has caused fatal injuries. He further submits that the occurrence had taken place in the house of the deceased and though the husband of the deceased was available in the house, he was not shown as a witness.

4. The learned Government Advocate appearing for the respondent submits that this petitioner has assaulted the deceased and the deceased sustained four injuries on head. Three eye witnesses have supported the case of the prosecution. Injuries are the cause of death of the deceased.

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



*Crl.MP(MD)No.18002 of 2025 in
Crl.A(MD) No.1260 of 2025*

6. The motive for the occurrence is drawing water from a public tap. The petitioner and the deceased are neighbours. According to the learned counsel for the petitioner, the deceased fell down and sustained injuries. Accident Register has not been marked by the police. Though the occurrence had taken place in the house of the deceased, the husband of the deceased was not examined by the prosecution.

7. 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.

8. 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



*Crl.MP(MD)No.18002 of 2025 in
Crl.A(MD) No.1260 of 2025*

sum to the satisfaction of the learned Additional District and Sessions Judge, Additional District and Sessions Court (FTC), Tenkasi.

- ii. The petitioner shall stay at Palayamkottai and report before the Inspector of Police, Palayamkottai Police Station, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner shall file an affidavit of undertaking before the respondent police that he will not involve in any offence in future.
- iv. 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.

08.04.2026

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To

1.The learned Additional District and Sessions Judge,
Additional District and Sessions Court (FTC),
Tenkasi.

2.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.



*CrI.MP(MD)No.18002 of 2025 in
CrI.A(MD) No.1260 of 2025*

3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.

4.The Superintendent,
Central Prison, Puzhal,
Chennai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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*Crl.MP(MD)No.18002 of 2025 in
Crl.A(MD) No.1260 of 2025*

B.PUGALENDHI, J.,

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Crl.MP(MD) No.18002 of 2025
in
Crl.A(MD) No.1260 of 2025

08.04.2026