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CRL MP(MD)No.16300 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.16300 of 2025

in

CRL A(MD)No.452 of 2023

Muthupandi

... Petitioner

Vs

State represented by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner by the judgment dated 21.09.2022 in Sessions Case No.133 of 2017 on the file of the Fast Track Mahila Court, Virudhunagar at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : Mr.AS.Abul Kalaam Azad,

Government Advocate (Crl Side)



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ORDER

The petitioner / sole accused in SC.No.133 of 2017, on the file of the Fast Track Mahila Court, Virudhunagar at Srivilliputhur was found guilty, convicted and sentenced to undergo 3 years rigorous imprisonment with a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment for the offence under Section 307 of IPC. As against the conviction, the petitioner has filed an appeal in CrIa(MD)No.452 of 2023 and it has been admitted by this Court on 20.06.2023. The petitioner has filed an application in CrI.MP(MD) No. 8634 of 2023 to suspend the sentence imposed on him and this Court, by its order, dated 27.02.2025 has dismissed the same. This is the second application filed for suspension of sentence.

2.The case of the prosecution is that the petitioner in an inebriated condition assaulted the victim/his wife and caused injury to her on the private part with knife.

3.The learned counsel for the petitioner by referring to the evidence of the doctor / PW10 submits that the doctor has noted an



injury of 5x1cm. Even before PW 10 examined the victim / PW1, she was examined by a private doctor, however she was not examined as a witness. He further submits that PW1 has stated that this petitioner was suffering with epilepsy and he was taking treatment for a long time. By referring the evidence, learned counsel for the petitioner submits that there are contradictions in the evidence. He further submits that the victim was having some other relationship and married another person and is now living separately. He further submits that the petitioner is in jail for the past three years and six months. The petitioner undertakes that he would not disturb the victim at any point of time. Therefore, the learned counsel prays that the sentence of the petitioner may be suspended pending this criminal appeal.

4.The learned Government Advocate (Crl.side) appearing for the respondent submits that the petitioner has abused and assaulted his wife and caused injury in her private part, for having refused to have physical relationship with him. Considering the nature of offence, this Court has already dismissed the application filed by this petitioner for suspension of sentence.



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

6.Considering the period of incarceration, the undertaking given by the petitioner that he would not disturb the victim at any point of time and that the appeal could not be taken up immediately, for want of time, this Court is inclined to suspend the sentence imposed on the petitioner. However, on the objections raised by the learned Government Advocate (Crl.side), this Court imposes certain stringent conditions 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.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court, Virudhunagar at Srivilliputhur.



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- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not visit the occurrence village pending the appeal and will not disturb the victim at any point of time. The petitioner shall also file an affidavit to that effect.
- iii. The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, Tiruppur, daily at 10.30 a.m, until further orders.
- iv. If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

06.04.2026

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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar at Srivilliputhur
- 2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Tiruppur North Police Station, Tiruppur.

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
CRL MP(MD)No.16300 of 2025
in
CRLA(MD)No.452 of 2023

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