



CRL MP(MD). No.73 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/03/2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE P. DHANABAL**

**CRL.M.P(MD). No.73 of 2026
in
Crl.A(MD).No.1 of 2026**

1.Gnanasekaran

2.Kumaresan

... petitioners/Appellants

Vs

The Inspector of Police,
Natham Police Station,
Dindigul District.
In Crime No.900/2020.

... Respondent

PRAYER :- To suspend the sentence of imprisonment passed by the learned Additional District and Sessions Judge, Dindigul, in S.C.No.176 of 2021, dated 19.08.2025 pending disposal of the Criminal Appeal.

For petitioners : K.Sivabalan

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by N.ANAND VENKATESH, J.]

This petition has been filed seeking suspension of the sentence of imprisonment imposed on the petitioners (A1 and A3) by the learned Additional District and Sessions Judge, Dindigul, in S.C.No.176 of 2021, by judgment dated 19.08.2025, to enlarge the petitioners on bail.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that there was a previous enmity between the defacto complainant and the accused persons and hence, the accused persons joined together on 13.01.2020 with deadly weapons and attacked the defacto complainant and his father. In this incident, the father of the defacto complainant died and the same resulted in the registration of an FIR in Crime No.900 of 2020 for the offences under Sections 147, 148, 294(b), 324 and 307 of IPC. Later, the respondent Police, after completing the investigation, filed the charge sheet for the offences under Sections 147, 148, 294(b), 324, 302 and 149 of IPC



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before the learned Additional District and Sessions Judge, Dindigul and the same was taken on file by the Trial Court in S.C.No.176 of 2021.

There were totally four accused persons in this case and the petitioners were arrayed as A1 and A3.

4. The Trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, convicted the petitioners for the following offences:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 148 of IPC	Three years simple imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.
Sec. 294(b) of IPC	Three months simple imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.
Sec. 302 r/w.149 of IPC	Life imprisonment and fine of Rs.50,000/-, in default to undergo 3 months simple imprisonment.

5. Aggrieved by the judgment passed by the learned Additional District and Sessions Judge, Dindigul, vide judgment dated 19.08.2025,



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the present appeal has been filed before this Court.

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6. The learned counsel for the appellants submitted that the very genesis of the case, as projected by the prosecution, is doubtful since A3 and his son had also sustained injuries in the very same incident, which is evident from Ex.P.9 and Ex.P.10.

7. The learned Additional Public Prosecutor, by relying upon the counter affidavit filed by the respondent, submitted that insofar as A1 is concerned, a specific overt act has been attributed by the eyewitness to the effect that he attacked the deceased with an aruval on his head. Insofar as A3 is concerned, he had caught hold of the deceased. The learned Additional Public Prosecutor submitted that the eyewitness clearly speaks about the overt act attributed against the appellants and the same was taken into consideration by the Trial Court and the appellants were convicted and sentenced in the manner cited supra.

8. The learned Additional Public Prosecutor, on instructions, submitted that there are no previous cases against the



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petitioners/appellants.

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9. This Court carefully considered the submissions made on either side and also the judgment passed by the Trial Court.

10. Even though the case on hand is based on eyewitness account, it is seen that there was a prior dispute between the parties with respect to dumping of construction materials in front of the house of the defacto complainant by the accused persons. Apart from that, the evidence of P.W.10, through whom Ex.P.9 and Ex.P.10 were marked, speaks about the injuries that were sustained by A3 and his son. Incidentally, A3's son also underwent trial before the Juvenile Justice Board. Hence, the genesis of the case, as projected by the prosecution, has been questioned. It must also be seen as to whether the fight between the parties had resulted in the incident.

11. In view of the above discussion, a prima facie case has been made out and the grounds raised by the appellants will have to be dealt with on merits. This Court also takes into consideration the fact that the



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appellants have undergone incarceration from 19.08.2025 and that there is no possibility of taking up the criminal appeal for final hearing in the near future. This Court also takes into consideration the fact that there are no previous cases against them. Hence, we are inclined to grant suspension of sentence, suspending the sentence imposed against the petitioners, and accordingly, this petition is allowed on the following conditions:

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Dindigul.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.



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iii. The petitioners shall appear and sign before the trial

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Court at 10.30 a.m., on the first working day of every English calender month, till the disposal of the Criminal Appeal.

[N.A.V., J.] & [P.D.B., J.]

11.03.2026

NCC : Yes / No

Index : Yes / No

Indu

To.

1. The Additional District and Sessions Court,
Dindigul.

2. The Inspector of Police,
Natham Police Station,
Dindigul District.

3. The Central Prison,
Madurai.

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



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N.ANAND VENKATESH, J.
AND
P.DHANABAL, J.

Indu

ORDER
IN
CRL MP(MD) No.73 of 2026
in
CRL A(MD) No.1 of 2026

Date : 17/03/2026