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CRL MP(MD) NO. 5248 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2026**

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL MP(MD) No. 5248 of 2026 in CRL.A(MD).No.301 of 2026

Akila

Petitioner(s)

Vs

The State of Tamil Nadu,
represented by the Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Crime No.234 f 2013)

Respondent(s)

For Petitioner(s):

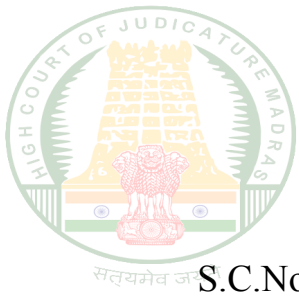
Ms.J.Vasanthi

For Respondent(s):

Mr.T.Lenin Kumar,
Counsel for State of Tamil Nadu (Criminal Side) for R-1

Prayer:

To Suspend the operation and execution of sentence imposed by the
Additional District and Sessions Court, Srivilliputtur, Virudhunagar in



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S.C.No.95 of 2014 dated 25.04.2024 and enlarge the appellant on bail pending disposal of the criminal appeal

ORDER

(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed to suspend the sentence imposed on the petitioner by the Additional District and Sessions Court, Srivilliputtur, Virudhunagar in S.C.No.95 of 2014 dated 25.04.2024 and enlarge the appellant on bail pending disposal of the criminal appeal.

2. The case of the prosecution is that Accused Nos.1 and 2 are the husband and wife and they used to have quarrel with their neighbours Sankar and Selvi, since it is alleged that the said Sankar had an illicit relationship with Accused No.1. On 16.11.2013, at about 05.30 p.m., the child of Sankar and Selvi was playing and the accused person is said to have taken away the child, smothered the child by pressing a pillow on the face and caused the death. Thereafter, both the accused persons concealed the body of the deceased by taking it in a Tata-Ace van and thereafter, poured petrol on the body and burnt it in order to destroy the evidence. Based on the complaint given by P.W.1., who is the Village Administrative



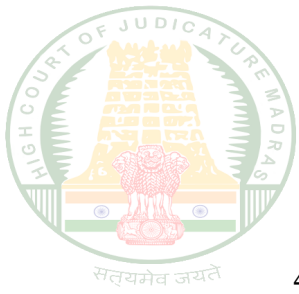
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Officer, an FIR came to be registered in Crime No.234 of 2013 initially under Section 174 of Cr.P.C. Thereafter, during the course of investigation, the involvement of accused persons came to light and hence, it was altered and insofar as the petitioner (accused No.1) is concerned, offence was altered to Sections 302 and 201 of IPC.

3. The entire case of the prosecution hinges upon circumstantial evidence and the trial Court on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly, convicted and sentenced the petitioner in the following manner:

Offence	Punishment
Section 201 of IPC	Seven Years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo three months Simple Imprisonment
Section 302 of IPC	Life Imprisonment and to pay a fine of Rs.1.000/- in default to undergo three months Simple Imprisonment

The above sentences are ordered to run concurrently.

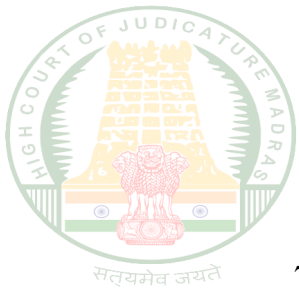


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4. Heard the learned counsel on either side.

5. The learned counsel appearing for the petitioner submitted that the entire case of the prosecution hinges upon the circumstantial evidence and one of the main circumstance that was relied upon by the prosecution is the last scene theory, which has not been proved by the prosecution and therefore, there is a snap in the link of circumstances. The learned counsel also brought to the notice of this Court the order passed in CrI.M.P. (MD).No.10156 of 2024 dated 07.11.2024, wherein Accused No.2 was enlarged on bail on suspending the sentence.

6. Per contra, the learned counsel for the State of Tamil Nadu (Criminal Side) submitted that the suspension of sentence granted to Accused No.2 cannot be taken advantage by the petitioner, since the charge against Accused No.2 was abatement and whereas, the specific overt act has been attributed against the petitioner. The learned counsel by relying upon the counter-affidavit filed by the respondent Police submitted that each circumstance has been proved by prosecution and considering the gravity of the offence where the child has been killed, the learned counsel vehemently opposed the grant of bail to the petitioner.



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7. In the case in hand, the prosecution has attempted to prove the case through circumstantial evidence. The main circumstances that were relied upon by the prosecution are motive, last seen theory and the medical examination relating to the postmortem. On carefully going through the materials placed before this Court, it is seen that the circumstance regarding the last scene theory requires reconsideration of this Court considering the fact that the evidence is not clinching. The other circumstance that has been relied upon is the extra-judicial confession that is said to have been given by the Village Administrative Officer. Hence, a prima facie case has been made out.

8. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from April 2024 onwards and there are no previous cases against the petitioner and Accused No.2 has already been granted bail by this Court and it will take some more time to deal with the appeal on merits, this Court is inclined to suspend the sentence imposed on the petitioner and accordingly, this Criminal Miscellaneous Petition is allowed, subject to the following conditions:



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i. The petitioner is directed 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 the Additional District and Sessions Court, Srivilliputtur, Virudhunagar District.

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.

iii. The petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calendar month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (S.SRIMATHY J.)

08.06.2026

TSG

To

- 1.The Additional District and Sessions Court, Srivilliputtur, Virudhunagar.
- 2.The Superintendent of Prisons, Central Prison for Women, Madurai.
- 3.The Inspector of Police, Krishnankovil Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.