



Crl.M.P.(MD)No.5649 of 2026

in Crl.A.(MD)No.325 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5649 of 2026

in Crl.A.(MD)No.325 of 2026

Muthuraj

... Petitioner

versus

State of Tamil Nadu,
Rep. by the Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Cr.No.28 of 2023)

... Respondent

Petition filed under Section 430 BNSS, to suspend the sentence imposed by the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in Sessions Case No.162 of 2023 dated 04.07.2025 and enlarge the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.S.Mayaperumal

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



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of alcohol, insulted the petitioner about his disability, due to which, quarrel arose between the parties. The petitioner said to have assaulted the deceased with knife. The learned counsel, by relying on the evidence of the Doctor, who conducted the postmortem, submits that there was 576 milligrams of ethyl alcohol in the stomach of the deceased, 138 milligrams of ethyl alcohol in the intestine and 173 milligram of ethyl alcohol in his kidney. Therefore, according to him, the deceased, who was under the influence of alcohol, fell down and succumbed to the injuries. However, the case of the prosecution has been projected as if the petitioner has assaulted the deceased and on account of that, he died. He further submits that the place of occurrence has not been proved properly and the presence of P.W.1 and P.W.2 in the place of occurrence is doubtful. Therefore, the petitioner is having certain arguable points in this appeal. He further submits that the petitioner is in jail from the date of conviction and even during the trial, he was in jail for the past 66 days and totally, he is in jail for nearly 11 months and 6 days.

3. The learned Government Advocate (Crl. Side) submits that there was an occurrence in the morning at 8.30 a.m. which was witnessed by P.W.2 and even there was another incident, which was also witnessed by P.W.1 and P.W.2.



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It is a case of eye-witness and there are enough materials as against the petitioner. Therefore, the trial Court found the petitioner guilty, convicted and sentenced as stated above.

4. This Court considered the rival submissions made.

5. The Doctor, who examined the deceased, has noted down the considerable presence of alcohol in the stomach, intestine and kidney of the deceased. Even according to the prosecution, the deceased said to have insulted the petitioner about his disability, due to which, there was a quarrel between the parties. Though the petitioner has raised certain arguable points, the same can be appreciated only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing immediately for want of time.

7. In view of the above and also considering the period of incarceration, this Court is inclined to suspend the sentence imposed on petitioner with certain conditions. 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:



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(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Court, Virudhunagr District at Srivilliputhur.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(iv) The petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy, daily at 10.30 a.m. until further orders.

(v) 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.

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To

1. The Principal District and Sessions Court,
Virudhunagar District at Srivilliputhur.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Cantonment Police Station,
Trichy.



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B.PUGALENDHI, J.

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