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CRL MP(MD) NO. 490 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 490 of 2026 in CRL.A(MD).NO.36 OF 2026

A.Selvakumar

Petitioner(s)

Vs

State of Tamilnadu Rep By Inspector of Police,
Eriode Police Station,
Dindigul District.
(Crime No.180 of 2019)

Respondent(s)

For Petitioner(s):

Mr.T.Thirumurugan

For Respondent(s):

Mr.C.Christopher,
Counsel for State of Tamil Nadu (Criminal Side)

Prayer:

To Suspend the sentence and grant bail to the appellant / sole accused
against the judgment in S.C.No.30 of 2021 dated 22.08.2025 on the file of



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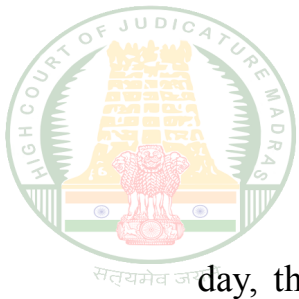
the learned Principal Sessions Judge, Dindigul in Crime No.18 of 2019 on the file of the respondent Police pending disposal of the criminal appeal

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 judgment made in S.C.No.30 of 2021 dated 22.08.2025 on the file of the learned Principal Sessions Judge, Dindigul and to enlarge the petitioner on bail.

2. The case of the prosecution is that the deceased, Antonysamy, was married to P.W.1. P.W.1 had constructed a residential house on the ancestral property belonging to her mother jointly along with her sisters. There was a dispute in this regard between the petitioner / accused and hence, there was a previous enmity. On 23.08.2019 at about 17.30 hours, the deceased along with P.W.2 and P.W.3 are said to have gone to the house of the petitioner and demanded their share of the property or in the alternative for the repayment of the amount invested by P.W.1 for the construction of the house. There was a quarrel in this regard. On the same



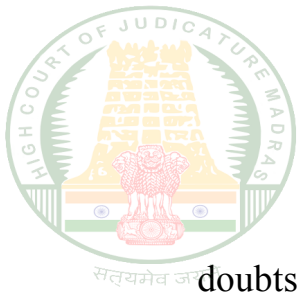
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day, the petitioner is said to have purchased petrol in a plastic can and brought it in a vehicle and at about 19.15 hours, the petitioner is said to have rammed the two-wheeler, as a result of which, the deceased along with P.W.2 and P.W.3 fell to the ground. Thereafter, the petitioner is said to have poured petrol on the deceased and set him on fire. The deceased sustained 95% burn injuries and died on the spot.

3. P.W.1, who is the wife of the deceased, lodged a complaint before P.W.16 on 24.08.2019 at about 12.15 hours, based on which, an FIR came to be registered in Crime No.180 of 2019 for the offence under Section 302 of IPC against the petitioner and four others.

4. A final report came to be filed only as against the petitioner and the petitioner underwent trial before the Court below in S.C.No.30 of 2021.

5. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable

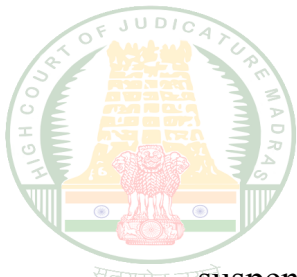


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doubts and accordingly, convicted the petitioner for the offence under Section 302 IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/- in-default to undergo one year simple imprisonment.

6. The main ground that was urged by the learned counsel appearing for the petitioner is that P.W.1, who is the wife of the deceased, was not in the scene of crime and she is said to have been informed by P.W.2 and thereafter, the complaint was given with a considerable delay. The learned counsel submitted that except for the evidence of P.W.2 and P.W.3, none of the other witnesses supported the case of the prosecution. The learned counsel submitted that the so-called eye-witnesses, namely, P.W.2 and P.W.3 could not have seen the occurrence.

7. A counter-affidavit has been filed by the respondent. The respondent has taken a stand that P.W.2 and P.W.3 have clearly explained the manner in which the incident had taken place and the same is supported by medical evidence which shows that the deceased died due to three-degree burn injuries. Therefore, there is no ground to grant



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suspension of sentence to the petitioner pending the appeal.

8. This Court carefully considering the submissions made on either side and the materials available on record.

9. In the case in hand, the incident is said to taken place on 23.08.2019 at about 17.15 p.m. P.W.2 and P.W.3 are said to have informed P.W.10, who is the sister of P.W.1 about the incident at about 09.00 p.m. In turn, P.W.1 was informed and at about 10.00 p.m., they went to the scene of crime. Thereafter, the complaint was given only on 24.08.2019. Hence, it is contended that if at all P.W.2 and P.W.3 were the eye-witnesses, there was absolutely no reason as to why they waited for P.W.1 to come and give a complaint only on 24.08.2019 at about 12.15 a.m. This Court has to necessarily deal with the evidence to see if P.W.2 and P.W.3 could have seen the incident. Hence, a prima facie case has been made out.

10. The petitioner is suffering incarceration from August 2025 and the learned counsel for the State of Tamil Nadu (Criminal Side) on instructions submitted that there are no previous cases against the petitioner and it will take some more time for this Court to deal with the



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appeal on merits.

11. In view of the same, we are inclined to suspend the sentence imposed on the petitioner and accordingly, this Criminal Miscellaneous Petition is allowed, subject to the following conditions:

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 learned Judicial Magistrate, Vendasandur, Dindigul 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.) (K.K.RAMAKRISHNAN J.)
02.06.2026



To

1.The Principal Sessions Judge, Dindigul.

2.The Judicial Magistrate, Vendasandur,
Dindigul District.

3.The Superintendent of Prisons, Central Prison, Madurai.

4.The Inspector of Police, Eriode Police Station,
Dindigul District.

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