



CRL MP(MD) NO. 2439 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO.2439 of 2026

in

CRL A(MD).172 OF 2026

Murugeswaran @ Easwaran

Petitioner(s)

Vs

State of Tamilnadu,
Rep By the Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.85 of 2015)

Respondent(s)

For Petitioner(s):

Mr.C.Christopher

For Respondent(s):

Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



Prayer:

To suspend the sentence of imprisonment imposed on the petitioner in the judgement and conviction delivered by the learned Additional District Sessions Judge (FTC), Tenkasi dated 08.08.2025 in S.C.No.489 of 2015 and enlarge the petitioner on bail.

ORDER

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

This petition has been filed seeking for suspension of sentence imposed on the petitioner in the judgment made in S.C.No.489 of 2015 passed by the learned Additional District Sessions Judge (FTC), Tenkasi, dated 08.08.2025 and to enlarge the petitioner on bail.

2. The case of the prosecution is that Accused No.2 and Accused No. 3 are friends of Accused No.1. Accused No.1 was doing money lending business. The deceased also started money lending business and there was business rivalry between Accused No.1 and the deceased. On 10.02.2015, Accused No.1 and deceased are said to have had a wordy quarrel and in continuation of the same, on 11.02.2015 at about 07.00 p.m., the deceased and four others are said to have threatened Accused No.1. With this as the



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motive, on 20.02.2015 at about 04.00 p.m., Accused No.1 and Accused No. 2 are said to have come in a two-wheeler and Accused No.3 had come in a separate two-wheeler and they restrained the deceased and he is said to have abused in filthy language and attacked with M.O.1, as a result of which, the deceased sustained serious injuries and he succumbed to the injuries on 21.02.2015. P.W.1 who is the brother of the deceased and an eye-witness gave a complaint resulting in the registration of an FIR in Crime No.85 of 2013 for the offences under Sections 341, 294(b), 302, 506(ii), 302 r/w 34 of IPC. There were three accused persons in this case. Accused No.1 died during the trial and hence, charges abated. Accused Nos.2 and 3 faced the trial and both of them were convicted by the trial Court. The petitioner in this petition is ranked as Accused No.2. He was convicted and sentenced in the following manner:

Offence	Sentence	Fine
302 of IPC	Life Imprisonment	Rs.5,000/- i/d to undergo one year Simple Imprisonment
341 of IPC	One Month Simple Imprisonment	



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The above sentences were ordered to be run concurrently.

3. Heard the learned counsel on either side.

4. The learned counsel appearing for the appellant submitted that P.W.1 and P.W.4 were examined on the side of the prosecution as eye-witnesss. Insofar as P.W.1 is concerned, he did not attribute any overt act against the petitioner (Accused No.2) when the complaint was given. Whereas, at the time of deposing before the Court, P.W.1 developed the case as if the petitioner took M.O.1 from Accused No.1 and attacked the deceased. He further submitted that P.W.4 would not have been in the scene of occurrence. It was further submitted that this Court considered the case of Accused No.3 and granted suspension of sentence in CrI.M.P. (MD).No.16293 of 2025 dated 11.12.2025.

5. The learned Additional Public Prosecutor based on the counter filed submitted that the eye-witness of P.W.1 and P.W.4 was taken into consideration by the trial Court and even if the overt act of Accused No.2 is exaggerated, the fact remains that Accused Nos.2 and 3 had restrained



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the deceased when Accused No.1 attacked the deceased with M.O.1. The learned Additional Public Prosecutor on instructions submitted that there are no previous cases against the petitioner.

6. In the considered view of this Court, the eye-witness account of P.W.1 and P.W.4 will have to be examined considering the ground that has been raised by the learned counsel appearing for the appellant to the effect that P.W.1 has exaggerated his version while deposing before the Court and it was not his version at the earliest point of time when the complaint was given. It is also seen that the case of Accused No.3 was considered and suspension of sentence was granted by this Court in CrI.M.P.(MD).No. 16293 of 2025 dated 11.12.2025. A prima facie case has been made out and it will take some more time to take up the appeal for final hearing. This Court also takes into consideration the fact that there are no previous cases against the petitioner.

7. Hence, we are inclined to suspend the sentence imposed on the petitioner and accordingly, the 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 learned Judicial Magistrate, Tenkasi.

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 calender month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
07.04.2026

TSG

To

1.The Additional District Sessions Judge (FTC), Tenkasi.

2.The Judicial Magistrate, Tenkasi.



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3. The Inspector of Police,

Kadayanallur Police Station, Tenkasi District.

4. The Superintendent of Prisons, Central Prison, Palayamkottai.

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