

CrIMP(MD)No.7612 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.7612 of 2026
in
Crl A(MD)No.693 of 2025**

M.Solai

...Petitioner

Vs

**State of Tamil Nadu rep by
the Inspector of Police,
Madurai NIBCID Police Station,
Madurai District.
[Crime No.32 of 2021]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the execution of sentence by granting bail in CC.No.304 of 2022 dated 28.02.2025 on the file of the Principal Special Judge for EC and NDPS Act Cases, Madurai pending disposal of the above criminal appeal.

**For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu**

**For Respondent : Mr.A.Robinson,
Government Advocate**



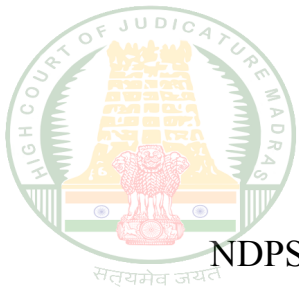
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ORDER

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The petitioner is accused No.2 in CC.No.304 of 2022 on the file of the learned Special Judge for EC and NDPS Act Cases. He was tried along with 10 others and by judgment dated 28.02.2025, he was found guilty, convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/-, in default to undergo 6 months simple imprisonment for the offence under Section 8(c) r/w 20(b)(ii)(C), 25 of the NDPS Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.693 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 24.06.2025. The earlier two petitions filed by the petitioner in CrIMP(MD)No.7956 of 2025 was dismissed on 16.09.2025 and in CrIMP(MD)No.19875 of 2025 was dismissed on 11.02.2026. This is the 3rd petition filed to suspend the sentence.

2.The learned senior counsel appearing for the petitioner submits that the petitioner is in custody from 14.06.2021 nearly for more than five years. The mandatory provisions under Sections 52 and 55 of the



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NDPS Act have not been complied with. The learned senior counsel further submits that the prosecution has failed to establish that the seized material is ganja as defined under Section 2(iii)(b) of the NDPS Act. In the absence of chemical analysis and evidence of flowering or fruiting tops, conviction based solely on the oral assertion is legally unsustainable.

3.The learned senior counsel also submits that even according to the prosecution the petitioner was a pillion rider and recovery has been made from accused No.1 and therefore, the very arrest of this petitioner is doubtful.

4.The learned Government Advocate opposes grant of bail to the petitioner that this petitioner has involved in the following cases.

Sl. No	Name of the Police Station	Crime Nos.	Offences	Stage
1	Avaniyapuram PS	386 of 2008	147, 148, 302, 307 IPC	PT
2	Keeraithurai PS	561 of 2012	75 TNCP Act	Disposed
3	Keeraithurai PS	339 of 2012	147, 148, 294(b), 324 IPC	Disposed



Sl. No	Name of the Police Station	Crime Nos.	Offences	Stage
4	Keeraithurai PS	965 of 2007	109, 307, 324, 341, 506(ii) IPC	PT
5	Keeraithurai PS	955 of 2007	307, 324, 341, 506 (ii) IPC	PT
6	Sellur PS	2534 of 2016	392 IPC	PT
7	Thallakulam PS	2073 of 2016	379 @ 392 IPC	NTF
8	Thallakulam PS	327 of 2013	147, 294(b), 323 IPC	Disposed
9	Theppakulam PS	442 of 2013	110(e) and 110(f) CrPC	Disposed

5.He further submits that the grounds raised by the petitioner shall be considered during the final hearing of the appeal. Further there is no change in circumstance since the dismissal of the earlier petition. Therefore, the learned Government Advocate opposes bail to the petitioner.

6.This court has considered the rival submissions made.

7.The petitioner was found guilty that he was in possession of 60 kgs of ganja along with three other accused. The earlier petitions filed



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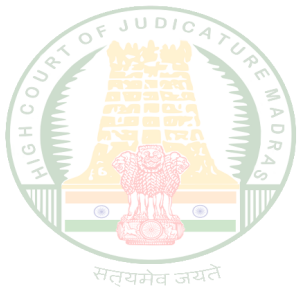
by the petitioner seeking suspension of sentence in CrIMP(MD)No.7956 of 2025 was dismissed on 16.09.2025 and in CrIMP(MD)No.19875 of 2025 was dismissed on 11.02.2026. The petitioner has involved in several other cases including a murder case of the year 2008, which is still pending. Considering this fact that the murder case of the year 2008 is pending, this court expected a report from the Commissioner of Police, Madurai city as to the reasons for the delay in concluding the proceedings in Crime No.386 of 2008 on the file of the Avaniyapuram Police Station.

8. Accordingly, the Commissioner of Police has filed a report. From the report it appears that the case in Crime No.386 of 2008 was registered as against 14 accused, out which, 8 are adults and 6 are children in conflict with law. Avaniyapuram Police took not less than 7 years for concluding the investigation and to file the final report in Crime No.386 of 2008. The final report filed on 10.02.2015 was taken on file in PRC No.14 of 2016 on 28.01.2016. However for the presence of the accused, the case was not committed for some time and it was finally committed to the court of Sessions only on 29.01.2021 and the same is pending before



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the I Additional District and Sessions Court, Madurai in SC.No.85 of 2021. Some of the accused have not appeared during the committal and therefore, the committal proceedings was split up in PRC No.274 of 2020 and committed to the Court of Sessions on 08.12.2020. The accused did not appear before the court of Sessions and their case was further split up as against A1 to A6 on 19.12.2024 in SC.No.756 of 2024 and the case is posted on 04.08.2026 for framing charges. Insofar as the petitioner in that case is concerned he was absent for nearly 26 hearings and NBW was issued as against him and it was recalled on his application. He was produced on PT warrant and he was not produced during the Covid-19 pandemic. The Commissioner of Police in his report dated 20.07.2026 has stated the petitioner is a history sheeter [B4 Keeraithurai HS No.307 of 2007] and he is one of the associates of notorious rowdy element Kalimuthu @ Vellai Kali, who is a gang topper of Madurai city. At present the petitioner has been convicted in NIB CID Crime No.32 of 2021 under Section 8(c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act and Section 25(1A) of the Arms Act and lodged in Central Prison, Vellore.



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9.It is further stated in the report that the irregular appearance of the accused had caused delay in the trial proceedings of the trial court. In the split up case in SC.No.85 of 2021, after fixing the trial, the summon had not been served for 16 hearings from 24.11.2022 and the witness had not been produced before the trial court. In this regard, the Deputy Commissioner of Police, South District Madurai city has been instructed to submit a detailed report and fix the responsibility as against the erring officer. Now both split up cases stand posted to 04.08.2026. All the accused are in the prison except A1 Ramamoorthi and A8 Muniyasamy. Suitable instructions had been given to the SHO to produce the witnesses in time to ensure speedy trial.

10.The reasons stated in the report of the Commissioner of Police raise serious concern. If this is how the State prosecutes the cases, then there is no purpose in registering the cases. The police officers must realise that they are prosecuting the cases on behalf of the State and the victims are depending on the State and Police for effective prosecution. If the case of a murder took place in the year 2008 is prosecuted in such a manner, it is not known how many witnesses will be available at present



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and of them, how many would be bold enough to depose as against the accused. It appears that even the witness summon was not effectively served and the trial has not commenced.

11.The Government is opposing the bail that this petitioner belongs to one Vellai Kali group and he is also a history sheeter. Even in this type of case, interest has not been shown by the police to prosecute the cases, which are pending trial in an effective manner, in order to ensure conviction as against the offenders, instead, they are adopting an easy method of encountering.

12.With a hope that the present Commissioner of Police would take appropriate action and ensure that the trial in SC.No.85 of 2021 on the file of the I Additional District and Sessions Court, Madurai is completed within a stipulated time and shall take necessary action as against the erring officials as stated in the report. The Commissioner shall also ensure that witness are protected and produced before the court without any further delay.



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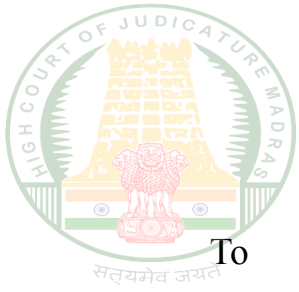
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13. Even though the delay in the case is on the part of the police, it would also reflect upon the trial court and therefore, the learned I Additional District Judge, Madurai shall endeavour to conduct the trial in a day to day basis and ensure that the trial is concluded within a reasonable time.

14. Since the grounds raised by the petitioners in this petition were already considered by this court in the earlier petitions filed by this petitioner and also considering that the case against the petitioner in SC.No.85 of 2021 [Crime No.386 of 2008] is pending for the past 18 years and the above direction of this court to conduct the trial in SC.No.85 of 2021 on a day to day basis, this court is not inclined to entertain this petition at this stage. Accordingly, this petition is dismissed.

28.07.2026

DSK



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To

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- 1.The Principal Special Judge
for EC and NDPS Act Cases,
Madurai.
- 2.I Additional District Judge,
Madurai.
- 3.The Commissioner of Police,
Madurai City.
- 4.The Inspector of Police,
Madurai NIBCID Police Station,
Madurai District.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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in
CrI A(MD)No.693 of 2025**

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