



Crl.M.P.(MD)No.10729 of 2026

in Crl.A.(MD)No.653 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10729 of 2026

in Crl.A.(MD)No.653 of 2026

Jegatheeswaran

... Petitioner/A1

versus

State rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed by the I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.121 of 2024 by Judgment dated 09.12.2024 and enlarge the petitioner/appellant on bail pending disposal of the criminal appeal.

For Petitioner : Mr.S.Sudhanthiran

For Respondent : Mr.V.Shathurthi Raja,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the 1st accused in C.C.No.121 of 2024 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried along with the 2nd accused for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act that they were found in possession of 22 kgs. of ganja. In conclusion of trial, the trial Court, by its Judgment dated 09.12.2024, found the accused persons guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act, convicted and sentenced them as under:

Sl.No.	Sections	Punishment	Fine amount	Default
1.	8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act	10 years rigorous imprisonment each	Rs.1,00,000/- each	2 years simple imprisonment each

Challenging the Judgment of conviction and sentence, the petitioner has filed a separate criminal appeal in Crl.A.(MD)No.653 of 2026 and the same has been admitted by this Court on 17.06.2026. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner has raised the following grounds for grant of suspension of sentence:-

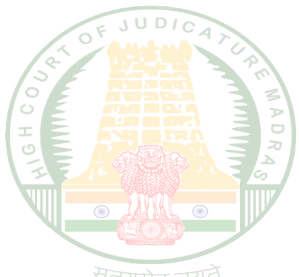
(i) The occurrence is said to have taken place near Nagakanniamman Kovil, on Cumbum to Kombai Road on 13.12.2023 at about 10.30 hrs., which is surrounded by shops and houses. However, no independent witness was examined by the prosecution to support the recovery from the petitioner. One Nagarajan, the Village Administrative Officer was cited as a witness, however, he was not examined before the trial Court.

(ii) The alleged recovery was made on 13.12.2023, however, the contraband was produced before the trial Court only on 19.12.2023 after a delay of 5 days, but, there was no explanation for the said delay.

(iii) According to the statement of P.W.1-Grade-I Police Constable, the contraband was not with the petitioner and it was recovered near the place of occurrence, where the petitioner was standing.

(iv) The co-accused has been enlarged on bail by this Court by suspending the sentence, in Crl.M.P.(MD)No.8950 of 2025 in Crl.A.(MD)No. 382 of 2025, by order dated 18.03.2026.

(iv) The petitioner is in jail for the past 2 years and 6 months, ie. from



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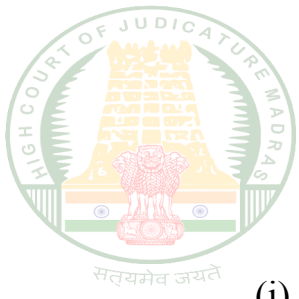
13.12.2023 till date.

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3. The learned Government Advocate (Crl. Side) opposed this petition stating that apart from this case, the petitioner has also involved in another case in Cr.No.748 of 2021 for the offence under Section 394 IPC and the same is pending trial.

4. The petitioner has raised certain arguable points in this appeal, which 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. Further, the co-accused have been enlarged on bail by this Court by suspending their sentence in in Crl.M.P.(MD)No.8950 of 2025 in Crl.A.(MD)No.382 of 2025, by order dated 18.03.2026.

5. 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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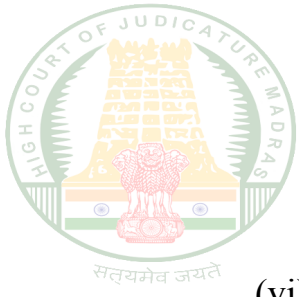
(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai and the sureties must be Government servants.

(ii) The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he will be available during the appeal proceedings.

(iii) 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.

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

(v) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders and also file an affidavit before the respondent Police that he will not indulge in any other offence in future and he will be available during the appeal proceedings.



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(vi) 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.

03.07.2026

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To

1. The I Additional Special Court for NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
Cumbum North Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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