

CRL MP(MD). No.11404 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.07.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD). No.11404 of 2026
and
CRL A(MD).No.688 of 2026

R.Subramaniyan @ Kuttamani

... Petitioner/Appellant/Accused No.2

Vs

The State of Tamilnadu
Rep by the Inspector of Police,
S.S. Colony Police Station,
Madurai.
(Crime No.329/2023).

... Respondent/Complainant

PRAYER :-

Civil Miscellaneous Petition is filed under Section 389(1) of Cr.P.C./430 of BNSS, to suspend the sentence of imprisonment imposed by the Learned Principal Special Judge for EC and NDPS Act Cases, Madurai in C.C.No.1016/2023 dated 27.02.2025 on the file of the Inspector of Police, S.S. Colony Police Station, Madurai District.



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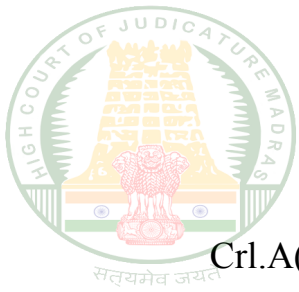
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For Petitioner : Mr.K.Jayaseelan,
Advocate.
For Respondent : Mr.A.Robinson
Government Advocate (Crl.Side)

ORDER

The petitioner is the second accused in C.C.No.1016 of 2023 on the file of the Principal Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with five other accused for the offences punishable under Section 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act. After the trial, the trial Court, by its Judgment dated 27.02.2025, found the petitioner, along with accused Nos.1, 3 and 4, guilty, convicted and sentenced each of them to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment, for the offence under Section 8(c) r/w. 20(b)(ii)(c) of NDPS Act and acquitted them from the charges under Sections 248(1) of Cr.P.C., of the offence punishable under Sections 25 and 29(1) of the NDPS Act.

2.Challenging the Judgment of conviction and sentence, the first accused, Arunpandian, has filed a separate appeal before this Court in



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Crl.A(MD)No.486 of 2026, and this petitioner has filed Crl.A(MD)No. 688 of 2026. Accused No.3, Muthukumar filed an appeal before this Court in Crl.A(MD)No.1185 of 2025, and Accused No.4, Manikandan has filed an appeal in Crl.A.(MD)No.415 of 2025. The appeals preferred by the accused Nos.1 to 4 were admitted by this Court, and the same are pending. Pending the appeal, the petitioner has now filed this application seeking suspension of sentence.

3.The learned counsel for the petitioner submits that the petitioner is similarly placed to the accused Nos.1, 3 and 4. He was convicted along with them by the common judgment dated 27.02.2025. All the other co-accused have been granted bail by this Court by suspending the sentence imposed by the trial Court. Therefore, the learned counsel submits that the application filed by the second accused may be considered for grant of bail by suspending the sentence.

4.It appears that this Court has considered the grant of bail to the first accused in Crl.M.P(MD)No.8826 of 2026 in Crl.A(MD)No.486 of 2026, by order dated 22.06.2026. Similarly, the third accused was



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granted bail in Crl.M.P(MD)No.8213 of 2026 in Crl.A.(MD)No.1185 of 2025, by order dated 30.04.2026. Accused No.4 was granted bail in Crl.M.P(MD)No.7121 of 2025 in Crl.A(MD)No.415 of 2025, by order dated 06.03.2025. Since the petitioner is also similarly placed to the other accused, this Court is inclined to suspend the sentence imposed against the petitioner.

5.The learned Government Advocate (Crl. side) opposes the grant of bail that, apart from this case, the petitioner is also involved in four other cases, out of which two cases are under the NDPS Act. The details of the previous cases registered against the petitioner are furnished as under:

1.Madurai District Othakadai Police Station -
Crime No.07 of 2017 u/s 353 IPC and 4(1)(aaa) of TNP
Act charged (NTF)

2.Madurai District Othakadai Police Station –
Crime No.648/2021 u/s 294(b), 307, 323, 324 of IPC
and Section 4 of TNPWH Act-Under Investigation,
charge sheet not filed.

3.Madurai District Othakadai Police Station –
Crime No.343/2022 u/s 20(b)(ii), 8(C) of NDPS – CC



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No.205/24, Next hearing 10.07.2026, Service pending.

4.Madurai District Othakadai Police Station –
Crime No.16/23 u/s 8(c), 20(b)(ii)(B) of NDPS Act and
77 of the JJ Act, 2015, C.C.No.739 of 2023, Next
hearing 10.07.2026, A2 NBW pending.

6.Since this Court has already granted bail to the co-accused by
suspending the sentence made by the trial Court in C.C.No.1016 of 2023,
this Court is inclined to suspending the sentence imposed as against the
petitioner/A2, however with certain conditions.

7.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:

(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 learned
Principal Special District Court for NDPS Act Cases,
Madurai. The sureties must be Government servants.



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(ii) The petitioner and the sureties shall filed an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any further offence. He will be available during this appeal proceedings.

(iii) The petitioner shall report before the respondent police daily at 10.30 a.m.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

10.07.2026

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- 1.The Principal Special Judge for EC and NDPS Act Cases, Madurai.
- 2.The Inspector of Police,
S.S. Colony Police Station,
Madurai.



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B.PUGALENDHI, J.

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