



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Tenth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.6703 of 2016
IN
CRL A (MD) No.286 of 2016

EASWARAN

... APPELLANT/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KUMULI POLICE STATION,
THENI DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the 2nd Additional NDPS Act Cases, Madurai passed in C.C.No. 139 of 2012 dated 07.06.2016 pending disposal of the Crl.A.

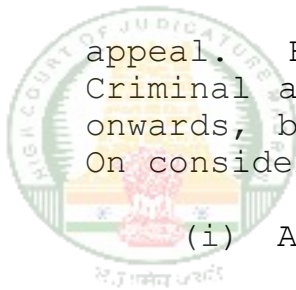
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.MUNIYANDI, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate (Crl.Side) for the Respondent while admitting the Criminal Appeal the court made the following order:-

The accused No.1 in C.C.No.139 of 2012 on the file of the learned II Additional NDPS Act Cases, Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He also submitted that the co-accused in Crl.A.No.216 of 2016 has been enlarged on appeal bail by this Court in Crl.M.P.(MD)No.4733 of 2016 on 16.08.2016 and the petitioner has been arrested in S.C.No.34 of 2015 on the file of Court of Special Judge for NDPS Act Cases, Thodupuzha and sentence was suspended by the Kerala High Court in Crl.M.A.No.3412 of 2016 in Crl.A.No.522 of 2016 on 12.07.2016.

3.The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

4. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main Criminal



appeal. Further, it will take some time for the disposal of the Criminal appeal. Further, the petitioner is in custody 12.07.2016 onwards, by which, the necessity to consider this petition arises. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum each to the satisfaction of the learned II Additional NDPS Act Cases, Madurai.

(iii) The petitioner shall appear before the said Court daily at 10.30 a.m., until further orders.

sd/-
10/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE 2ND ADDITIONAL NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE, KUMULI POLICE STATION,
THENI DISTRICT.
- 3 THE SUPERINTENDENT CENTRAL PERISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S S.MUNIYANDI Advocate SR.No.1761

JAM/EM/SAR-II-11..17-2P-6C

ORDER
IN
CRL MP (MD) No.6703 of 2016
IN
CRL A (MD) No.286 of 2016
Date :10/01/2017