



*Crl.M.P.No.10607 of 2025
in Crl.A.No.84 of 2025*

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10607 of 2025

in

Crl.A.No.84 of 2024

Mubeena

... Petitioner

Vs

The State Rep. by
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore City.
Crime No.171 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by judgment in C.C.No.2 of 2021 dated 07.11.2023 on the file of the learned Special Court under EC/NDPS Act, Coimbatore.

For Petitioner : Mr.D.Ananthapadmanabhan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



*Crl.M.P.No.10607 of 2025
in CrlA.No.84 of 2025*

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in the judgment dated 07.11.2023 by the learned Additional District Judge, Special Court under EC/NDPS Act, Coimbatore, in C.C.No.2 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in C.C.No.2 of 2021 on the file of the learned Additional District Judge, Special Court under EC/NDPS Act, Coimbatore. He was found guilty of the offence under Section 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act, and he has been convicted and sentenced to undergo rigorous imprisonment for a period of ten years and imposed fine of Rs.1,00,000/- in default to undergo a rigorous imprisonment for a period of further one year. Aggrieved by the same, the petitioner had filed the present appeal along with the present petition.

3. The learned counsel for the petitioner/accused would submit that



*Crl.M.P.No.10607 of 2025
in CrlA.No.84 of 2025*

WEB COPY

there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He further submits that since the petitioner already convicted for the offences under the NDPS Act, he has been falsely implicated in another case as if he was in illegal possession of 6 Kg of Ganja and 3Kg of contraband was recovered from the petitioner. In that case also the petitioner granted bail by this Court in Crl.O.P.No.16456 of 2025 by an order dated 06.06.2025. He also submitted that the petitioner is ready to abide any condition to be imposed by this Court.

4. Heard the learned counsel appearing on either side and also perused the materials placed on record.

5. It is seen that initially the sentence of the petitioner was suspended by this Court by an order dated 25.06.2024 in Crl.M.P.No.812 of 2024. While the petitioner was on bail, he had committed the similar offence in Crime No.356 of 2025 on the file of the Inspector of Police, Sulur Police Station, Coimbatore District. In the said case also the petitioner was enlarged



*Crl.M.P.No.10607 of 2025
in CrlA.No.84 of 2025*

WEB COPY on bail by this Court in Crl.O.P.No.16456 of 2025 by an order dated 06.06.2025.

6. Considering the above facts and circumstance and also considering the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that this Criminal Appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two blood related sureties each for a like sum to the satisfaction of the learned Special Judge under EC/NDPS Act, Coimbatore.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court daily



*Crl.M.P.No.10607 of 2025
in CrlA.No.84 of 2025*

WEB COPY at 05.30 pm., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition is ordered.

12.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



WEB COPY



*Crl.M.P.No.10607 of 2025
in Crl.A.No.84 of 2025*

G.K.ILANTHIRAIYAN, J.

rts

To

1. The Special Judge under EC/NDPS Act,
Coimbatore.
2. The Inspector of Police,
Rathinapuri Police Station,
Coimbatore City.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.M.P.No.10607 of 2025
in Crl.A.No.84 of 2024

12.06.2025