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*Crl.M.P.No.11391 of 2025
in Crl.A.No.654 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.11391 of 2025

in

Crl.A.No.654 of 2025

Gnanaraj
S/o. Murugan,
No.19/7, Rama Nagar,
Jawhar Road, Perambur,
Chennai – 11.

...Petitioner

Vs.

The State by its
The Inspector of Police,
M4 Redhills Police Station,
Chennai.
(Crime No. 3301 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS 2023 to suspend the sentence imposed in C.C.No.31 of 2021 on the file of the Special Judge, 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai dated 28.03.2024 pending disposal of the above appeal.



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For Petitioner : Mr.B.Kumarasamy

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed in C.C.No.31 of 2021 on the file of the Special Judge, 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai dated 28.03.2024 pending disposal of the above appeal.

2. The petitioner herein is the accused in C.C.No.31 of 2021 on the file of the Special Judge, 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He was found guilty and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act	To undergo ten years rigorous imprisonment and pay a sum of Rs.1,00,000/- in default to undergo rigorous imprisonment for six months.



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Aggrieved by the same, a Criminal Appeal along with the present miscellaneous petition has been filed.

3. The learned counsel for the petitioner/accused would submit that the co-accused has been granted bail by this Court vide order dated 02.01.2025 in Crl.M.P.No.13298 of 2024 in Crl.A.No.1196 of 2024. He would further submit 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 would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



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

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the fact that the co-accused has been released on bail and further 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.

7. Accordingly, till the disposal of the Criminal Appeal the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two blood sureties each for a like sum to the satisfaction of the learned Special Judge, 1st Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.



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(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 at 10.30 a.m. for a period of thirty days and thereafter once in fifteen days, at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on the said day, he 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.

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

19.06.2025

Index : Yes/No
Neutral citation : Yes/No
Internet : Yes
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Nagapattinam

2. The Inspector of Police,
M4 Redhills Police Station,
Chennai.

3. The Public Prosecutor,
Madras High Court,
Chennai.

4. The Superintendent,
Central Prison, Puzhal
Chennai.

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