



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1542 of 2025

AND

CRL MP NO. 18680 OF 2025

1. Anand @ Vijayababu
S/o.Selvaraj, No.33G, Mandhaiyaman
Kovil Street, 6th Ward,
Uthamapalayam, Theni District

Appellant(s)

Vs

1. State of Tamilnadu rep by the
Inspector of Police
NIBCID , Chennai (Crime No.10/2020)

Respondent(s)

CRL MP No. 18680 of 2025

PRAYER

To Suspend the sentence imposed on the petitioner in CC.No.93/2020 by the Principal Special Court for EC and NDPS Cases, Chennai, Chennai by its Judgment dated 11.09.2024 and release the petitioner on bail pending determination of this Criminal Appeal No.1542/2025 by this Hon'ble Court on such terms and conditions that this Hon'ble Court deem fit .



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For Appellant(s): S.Jayaprakash
S.Angamuthu
G.Sudhakar

For Respondent(s): Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in CC.No.93/2020 by the Principal Special Court for EC and NDPS Cases, Chennai, Chennai by its Judgment dated 11.09.2024 and release the petitioner on bail pending determination of this Criminal Appeal No.1542/2025.

2. The petitioner herein was convicted by the Principal Special Court for EC and NDPS Cases, Chennai, Chennai, in CC.No.93/2020 and sentenced him to undergo 5 years Rigorous Imprisonment and imposed a fine of Rs.50,000/-, in default, to undergo Rigorous Imprisonment for 6 months. Aggrieved over the same, the petitioner filed this appeal along with miscellaneous petition to suspend the sentence.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal



and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further he submit that the petitioner is A2 and contraband seized from the petitioner is intermediate quantity and he is in jail for the past 3 ½ years. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) 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.

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 petitioners, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, 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 are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for EC and NDPS Cases, Chennai, Chennai. Further, the petitioner shall stay at Chennai till disposal of this appeal.

(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.

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(c) The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., 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.

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

04-11-2025

Pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Special Court for EC and NDPS Cases, Chennai, Chennai.
2. The Central Prison, Madurai.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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