



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 20251 of 2025

AND

CRL A NO. 450 OF 2024

SUDHAKAR

S/O. Mathiyalagan,
Parthirakaliyakkan Koil Street,
Kanbam, Theni District.

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
NIB CID, Chennai.
(Crime No. 31/2020)

Respondent(s)

CRL MP No. 20251 of 2025

PRAYER

To suspend the sentence imposed in the Judgment passed by the Learned Special Judge II, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.NO. 131 OF 2021, vide judgment dated 26.02.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



CRL A No. 450 of 2024

PRAYER

To set aside the conviction and sentence passed in C.C.NO. 131 OF 2021 pending on the file of the Special Judge II, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai

For Petitioner(s): Mr. B.S.Manikandan

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Special Judge-II, Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, in C.C.No.131 of 2021 dated 26.02.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in C.C.No.131 of 2021 on the file of the learned Special Judge-II, Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He was found guilty of the offences under Section 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act and he has been convicted and sentenced to undergo rigorous imprisonment for a period of 12 years and to pay fine of Rs.1,20,000/-, in default to undergo simple imprisonment for 6 months. Aggrieved by the same, the petitioner had filed this appeal and consequently, he filed the present miscellaneous petition.



3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he along with other accused were found in possession of 205 kgs. of ganja in 8 bags. He would further submit that he is in judicial custody from 05.11.2020 for more than five years and as on date, fine amount was not paid and co-accused were released on bail. He would further 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. 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 stating that all the accused belong to Kerala and he is having two previous cases, which are similar in nature, out of which, in one case, he was convicted on 13.02.2025. To that effect, the particulars of pending cases. 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.

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6. On perusal of records, it reveals the fact that nearly about four accused involved in this case and three accused was granted bail with condition and he is in judicial custody from 05.11.2020 for more than five years. Considering that and considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, 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, in which one surety must be a blood surety, each for a like sum to the satisfaction of the **learned Special Judge-II, Addl. Special Court for Exclusive Trial of cases under NDPS Act, Chennai.**



(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 stay at Chennai and sign before before the respondent police daily at 10.30 a.m. for the period of three months and he shall also 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 he is not able to appear before the trial Court on any 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.**

(d) **The petitioner is directed to pay the fine amount within a period of two weeks from the date of his release.**

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

21-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. Special Judge-II, Addl. Special Court for Exclusive Trial of cases under NDPS Act, Chennai.
2. The Inspector of Police, NIB CID, Chennai.
3. The Superintendent of Prison, Central Prison, Puzhal, Chennai
4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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