



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 19586 of 2025

IN

CRL A NO. 1618 OF 2025

AZHAGARSAMY

S/o.Azhagarsamy, D.No.5, 4th Street,
Ramaiah Colony, Kamalammal
Compound, Tiruppur city, tiruppur
Taluk and District

Petitioner(s)

Vs

State rep by the Inspector of Police
NIB CID Police Station, Coimbatore
Cr.No.23 of 2019

Respondent(s)

PRAYER

To suspend the sentence imposed by judgement in CC.No.74 of 2019 dated 15.09.2025 on the file of the learned Additional District Judge/Special Court under EC/NDPS Act, Coimbatore

For Petitioner(s): Mr. A.Tamilarasan

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

**ORDER**

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This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Addl. District Judge/Special Court under EC/NDPS Act, Coimbatore, in C.C.No.74 of 2019 dated 15.09.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in C.C.No.74 of 2019 on the file of the learned Addl. District Judge/Special Court under EC/NDPS Act, Coimbatore. He was found guilty of the offences under Section 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act and he has been convicted and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,00,000/-, in default to undergo rigorous imprisonment for one year. 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 10 kgs. of ganja in travel bag. He would further submit that he is in judicial custody from 29.01.2019 for more than six years. 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. 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 fact that he is in judicial custody from 29.01.2019 for more than six years 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 **shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai A/c No. 484077244 Bank : Indian Bank Branch : High Court IFSC Code : IDIB000M157** within a period of two weeks from the date of receipt of copy of this order. On such deposit, 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 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 respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of five months and he shall also appear before the Trial**



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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.

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 under EC/NDPS Act, Coimbatore.

2. Inspector of Police

NIB CID Police Station, Coimbatore

3. The Superintendent of Prison, Central Prison, Coimbatore.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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(2/2)**