



Crl.MP(MD) No.5153 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5153 of 2025
in Crl.A(MD) No.457 of 2025

Velanganni @ Velar

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
Town South Police Station,
Dindigul District.
(Crime No.800 of 2021)

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence of imposed by the I Additional Special Judge for NDPS Act Cases, Madurai in CC.No.515 of 2021 by judgment dated 19.03.2025 and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner : Mr.J.Jeyaaron Raja

For Respondent : Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl Side)

ORDER

The petitioner is accused No.1 in CC.No.515 of 2021 on the file of the I Additional Special Judge for NDPS Act Cases, Madurai. He was tried along with



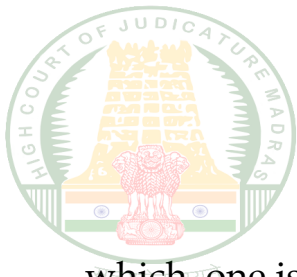
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other accused for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. By judgment dated 19.03.2025 they have been found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act and the petitioner has been sentenced to undergo 1 year rigorous imprisonment with a fine of Rs.10,000/- in default to undergo two months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.457 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.The learned Counsel for the petitioner submits that the mandatory provisions under Sections 42(2) and 50 of the NDPS Act have not been complied with. The contraband is alleged to be recovered on 04.07.2021, but it was produced before the Court concerned only on 09.07.2021. The athachi said to be prepared for the recovery of contraband at the occurrence place contains the crime number. No independent witness has been examined in support of the allegation. The trial Court without considering these discrepancies convicted the petitioner. The petitioner is in jail from the date of conviction. Therefore, the learned Counsel prayed that the petitioner be enlarged on bail by suspending the sentence of imprisonment.

3.The learned Government Advocate (Crl Side) appearing for the respondent submits that apart from this case, the petitioner has involved in two other cases, of



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which, one is similar in nature.

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4.In response to the above submission, the learned Counsel for the petitioner submits that the petitioner has not involved in any offence for the past five years.

5.This Court considered the rival submissions made and perused the material placed on record.

6.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum, to the satisfaction of the I Additional Special Judge for NDPS Act Cases, Madurai and the sureties must be respectable persons in the locality.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any



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further offence.

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(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

sd/-
21/04/2025

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23/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1.I ADDITIONAL SPECIAL JUDGE FOR NDPS ACT
CASES, MADURAI.

2.THE SUPERINTENDENT, CENTRAL PRISION, MADURAI.

3.THE INSPECTOR OF POLICE,TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to J.JEYAARON RAJA Advocate SR.No.4429 (I) DT.21/04/2025



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ORDER
IN
CRL MP(MD) No.5153 of 2025
Date :21/04/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023