



Crl.M.P.(MD)No.10046 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10046 of 2024

in Crl.A.(MD)No.783 of 2024

S.Mangalam,
W/o.Selvaraj,
MGR Nagar, Pookollai,
Peravurani Taluk,
Thanjavur District.

Petitioner(s)

versus

State represented by
The Inspector of Police,
NIB CID,
Nagapattinam District.

Respondent(s)

For Petitioner(s):

Mr.NA.Manimaran
Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)

ORDER

The petitioner is the second accused in C.C.No.57 of 2021. She was tried along



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with her husband/A1 in C.C.No.57 of 2021 on the file of the Additional District Judge/Presiding Officer, Special Court under Essential Commodities and NDPS Act, Thanjavur, for the offence under Section 8(c) r/w. Section 20(b)(ii)(B) of the NDPS Act, 1985. After the trial, the Trial Court, by its Judgment dated 05.05.2023, found the petitioner/A2 and her husband/A1 guilty for the offence under Section 8(c) r/w. Section 20(b)(ii)(B) of the NDPS Act, 1985 and convicted and sentenced them to undergo five years rigorous imprisonment and to pay a fine of Rs.20,000/- each, with the default sentence of one year rigorous imprisonment. During the imprisonment, the petitioner's husband/A1 died in the jail. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.783 of 2024 and the same has been admitted by this Court on 23.09.2024. The petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court pending the appeal.

2. The learned counsel appearing for the petitioner submits that the petitioner is in jail from the date of Judgment, i.e. from 05.05.2023 and during the imprisonment, the petitioner's husband/A1 died in the jail. Now, there is no one to look after her family. Therefore, he seeks to suspend the sentence imposed on the petitioner by the trial Court.

3. The learned Government Advocate (Crl. Side) submits that apart from this



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case, the petitioner was also involved in five other cases. In four cases, the petitioner had admitted her guilt and also paid the fine amount. He further submits that the petitioner is a habitual offender and if she is released on bail, she will indulge in further offence in future. Therefore, he opposed to grant suspension of sentence.

4. The learned counsel appearing for the petitioner submits that the petitioner is ready to file an affidavit of undertaking before the respondent Police that she will not indulge in any further offence in future, if she is released on bail. In addition to that, one Saravanan, S/o.Muniasamy, who is working as Village Assistant in Peravurani Taluk, has agreed to stand as surety for the petitioner and he is also ready to file an undertaking affidavit before the respondent Police that the petitioner will not indulge in any further offence in future. To that effect, the learned counsel has furnished an affidavit filed by the said Saravanan.

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

6. The quantity involved in this case is 1.250 kgs. of ganja. The petitioner/A2 was arrested along with her husband/A1. During the imprisonment, the petitioner's husband/A1 died in the jail. Therefore, there is no one to look after her family. Now, the petitioner is prepared to file an undertaking affidavit before the respondent Police that she will not indulge in any further offence in future. Apart from that, one



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Saravanan, S/o.Muniasamy, who is working as Village Assistant in Peravurani Taluk, has agreed to stand as surety for the petitioner and he is also ready to file an undertaking affidavit before the respondent Police that the petitioner will not indulge in any further offence in future. In this case, the period of sentence is five years. The petitioner has already undergone the substantial portion of the sentence of imprisonment. Therefore, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge/Special Judge under E.C. and NDPS Act Cases, Thanjavur. Out of the two sureties, one surety shall be Mr.Saravanan, a Village Assistant in Peravurani Taluk, who filed an affidavit before this Court.

(ii) The sureties shall file an undertaking affidavit before the respondent Police that the petitioner will not indulge in any further offence in future. The sureties shall also ensure the petitioner's availability till the disposal of the appeal proceedings.

(iii) The petitioner shall also file an undertaking affidavit before the respondent Police that she will not indulge in any further offence in future.



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(iv) The petitioner shall report before the respondent Police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders.

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07/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
SPECIAL JUDGE UNDER EC AND NDPS ACT CASES,
THANJAVUR.

2 THE SUPERINTENDENT
CENTRAL PRISON(SPECIAL PRISON FOR WOMEN), TRICHY.

3 THE INSPECTOR OF POLICE,
NIB CID, NAGAPATTINAM DISTRICT.

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

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-3950[I] dated 04/04/2025)

ORDER IN
Crl.M.P.(MD)No.10046 of 2024
in Crl.A.(MD)No.783 of 2024
Date :04/04/2025

AS/SAR. /07.04.2025/5P/6C

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