



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

K. Vellimalai,
S/o.Karuppathevar,
North Street, Thethupatti,
Aathoor Taluk,
Dindigul.

Petitioner(s)

versus

The State of Tamil Nadu, Rep. by
The Inspector of Police,
NIBCID, Dindigul.

Respondent(s)

Petition filed under Section 430(1) of BNSS 2023 seeking to suspend the sentence and conviction made in the Judgment dated 21.10.2024 in C.C.No.280 of 2015 on the file of the I Additional Special Court for NDPS Act Cases, Madurai, and enlarge the petitioner on bail pending disposal of the appeal.



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

For Petitioner(s):

Ms.Sivaranjani,
for P.Thanga Prithvi Rajan

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in C.C.No.280 of 2015 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried for the offence under Sections 8(c) r/w. 20(b)(ii)(B) of the NDPS Act that he was in possession of 10 kgs. of ganja. In conclusion of trial, the trial Court, by its Judgment dated 21.10.2024, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act and convicted and sentenced him to undergo rigorous imprisonment for five years and to pay a fine of Rs.50,000/-, in default, to undergo simple imprisonment for a further period of one year. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.210 of 2025 and the same has been admitted by this Court on 24.02.2025. Along with the appeal, the petitioner has moved a petition in Crl.M.P.(MD)No.2017 of 2025 seeking to suspend the



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

sentence imposed by the trial Court.

2. When the matter came up for hearing on 09.04.2025, the learned Government Advocate (Crl. Side) has strongly opposed that the petitioner is a habitual offender, having seven cases to his credit, out of which, three cases are of similar in nature.

3. Considering the antecedent of the petitioner, this Court, by order dated 09.04.2025, rejected the earlier petition in Crl.M.P.(MD)No.2017 of 2025.

4. Now, the petitioner has filed this petition in Crl.M.P.(MD)No.10657 of 2025 seeking to suspend the sentence imposed by the trial Court on the ground that he is undergoing imprisonment from the date of conviction.

5. The learned counsel appearing for the petitioner submits that the petitioner is having some arguable points in the criminal appeal. Though the criminal appeal has been admitted by this Court on 24.02.2025, the same has not been taken up for final disposal till date. She further submits that one Pandi, who is serving as Grade-II Police Constable and one Saravanan, the



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

Ex-Ward Member in a Village Panchayat, are ready to stand as sureties for the petitioner and they have also filed separate undertaking affidavits before this Court to ensure that the petitioner will not involve in any further offence in future.

6. Considering the fact that the petitioner is having some arguable points in the appeal, period of incarceration and also for the reasons that the criminal appeal could not be taken up immediately, 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 I Additional Special Court for NDPS Act Cases, Madurai.

(ii) The persons, namely, one Pandi, a Grade-II Police Constable and one Saravanan, the Ex-Ward Member in a Village Panchayat, who have filed undertaking affidavits before this Court, shall be the sureties for the petitioner



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

before the trial Court. The sureties shall also ensure that the petitioner is available during the appeal proceedings and he will not indulge in any further offence during the suspension period.

(iii) The petitioner shall appear before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

25.11.2025

ogy

To

1. The I Additional Special Court for NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
NIBCID, Dindigul.

5/6



WEB COPY



Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

B.PUGALENDHI, J.

ogy

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.M.P.(MD)No.10657 of 2025

in Crl.A.(MD)No.210 of 2025

25.11.2025