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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2025

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD).Nos.13574 and 13687 of 2024 &
Crl.M.P.(MD).Nos.2295 and 2296 of 2025
in
Crl.A.(MD).Nos.1102 and 1112 of 2024 &
Crl.A.(MD).Nos.1080 and 1059 of 2025

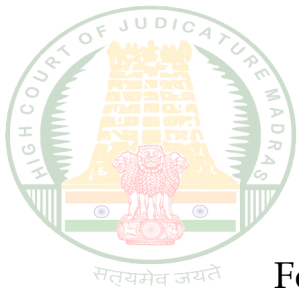
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|-------------------------------------|--|
| 1. Balaganapathy | ... Petitioner/ Appellant
in Crl.MP(MD)No.13574 of 2024 |
| 2. Kavipriyan | ... Petitioner/ Appellant
in Crl.MP(MD)No.13687 of 2024 |
| 3. Suriyakumar @ Patchaikili Suriya | ... Petitioner/ Appellant
in Crl.MP(MD)No.2295 of 2025 |
| 4. Vasanthkumar | ... Petitioner/ Appellant
in Crl.MP(MD)No.2296 of 2025 |

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
(Crime No.252 of 2024)

... Respondent/Respondent
in all Crl.MP.

For Petitioners	: Mr.M.Karunanithi (in Crl.MP(MD)Nos.13574 & 13687 of 2024)
For Petitioners	: Mr.K.M.Karunakaran (in Crl.MP(MD)Nos.2295 & 2296 of 2025)



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For Respondent

: Mr.T.Senthil Kumar
Additional Public Prosecutor
(in all CrI.MP(MD))

Prayer in CrI.MP(MD)No.13574 of 2024: Petition filed under Section 430(1) of BNSS to suspend the Sentence imposed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur in C.C.No.60 of 2024 dated 21.11.2024 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal.

Prayer in CrI.MP(MD)No.13687 of 2024: Petition filed under Section 430(1) of BNSS to suspend the Sentence imposed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur in C.C.No.60 of 2024 dated 21.11.2024 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal.

Prayer in CrI.MP(MD)No.2295 of 2024: Petition filed under Section 430(1) of BNSS to suspend the Sentence passed in C.C.No.60 of 2024 dated 21.11.2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur pending disposal of the said Criminal Appeal.

Prayer in CrI.MP(MD)No.2296 of 2024: Petition filed under Section 430(1) of BNSS to suspend the Sentence passed in C.C.No.60 of 2024 dated 21.11.2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential



Commodities Act, Thanjavur pending disposal of the said Criminal Appeal.

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COMMON ORDER

By this common order all the criminal miscellaneous petitions are being disposed of.

2. The petitioners are accused in C.C.No.60 of 2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur. The trial Court found them guilty, convicted and sentenced as under:-

Offence under Section	Sentence
8(c) r/w. 20(b)(ii)(B) of NDPS Act, 1985	Convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.20,000/- and in default to undergo one year rigorous imprisonment.

3. As against the conviction and sentence imposed by the trial Court, the petitioners have filed Criminal Appeals in CrI.A(MD) Nos.1102 of 2024, 1112 of 2024, 1059 of 2024 and 1080 of 2024 and the same have been admitted by this Court. The petitioners have also moved these applications to suspend the sentence imposed on them by the trial Court.

4. The case of the prosecution is that the petitioners were found in possession of



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1 kilo and 110 gram of contraband and therefore, the respondent police have registered a case against the petitioners. The trial Court found them guilty and convicted as stated supra.

5. The learned counsel appearing for the petitioners submits that the petitioners are in jail from the date of conviction i.e., on 21.11.2024. He further submits that the petitioners will reside far away and they will not visit the scene village any more and they will not have any contact with each other.

6. That apart, the petitioners have also given an undertaking that they will file an affidavit before the concerned Police Station that they will not indulge in any further offence.

7. The learned Additional Public Prosecutor appearing for the respondent submits that this petitioners were found in possession of 1 kilo and 110 gram of contraband. He also submits that apart from these cases, the petitioners are also having four cases of similar in nature. Therefore, he vehemently opposed to grant bail to the petitioners.

8. This court considered the rival submissions and perused the materials available on record.

9. The petitioners are having some arguable points in the appeal and it could be decided at the time of final hearing. However, the appeal could not be taken up in



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the near future. Considering the undertaking given by the petitioners and the period of incarceration of these petitioners, this Court is inclined to suspend the sentence imposed on these petitioners with certain conditions:-

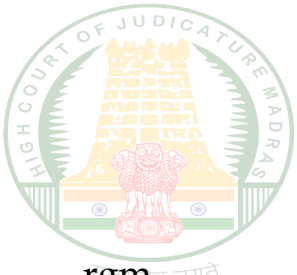
- i. The petitioners shall furnish two sureties each for a sum of Rs.50,000/- each for a like sum to the satisfaction of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, out of which, one of the surety must be a respectable person. The respectable person shall also file an affidavit before the respondent police station with an assurance that he will ensure that these petitioners will not involve in any further offence. The petitioners shall also file an affidavit that they will not indulge in any further offence.

The petitioners shall stay at Dindigul and report before the Inspector of Police, Dindigul Town North Police Station, Dindigul District daily at 10.30 am until further orders.

sd/-
21/03/2025

/ TRUE COPY /

03/04/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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- 1 THE ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER, SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT, THANJAVUR.
- 2 THE CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
THANJAVUR TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE INSPECTOR OF POLICE, DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

ORDER
IN
CRL MP(MD) No.13574 of 2024
Date :21/03/2025

NBF/SAR/ (03/04/2025) 6P/6C

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