



Crl.M.P.(MD)No.6280 of 2026

in Crl.A.(MD)No.359 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6280 of 2026

in Crl.A.(MD)No.359 of 2026

Rajendran @ Sivarathri
Rajendra Prasad

... Petitioner/A2

versus

The State rep. by
The Inspector of Police,
Madurai NIBCID Police Station,
Madurai District.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner in C.C.No.567 of 2023 dated 06.05.2025 passed by the learned Principal Special Court for EC & NDPS Act cases, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.J.Vivek

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner is the accused No.2 in C.C.No.567 of 2023 on the file of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with four other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act and Sections 488 and 471 IPC that the accused persons carried 52 kgs. of ganja in the vehicles bearing Reg.Nos.TN 06 FC 2247, TS 60 AHG 2082. The case was split up as against the accused Nos.3 to 5 in C.C.No.210 of 2024. After the trial, the trial Court, by its Judgment dated 06.05.2025, found the petitioner/A1 and A2 guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act, convicted and sentenced them to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs.1,00,000/- each, in default to undergo simple imprisonment for six months each. Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal before this Court in Crl.A.(MD)No.359 of 2026 and the same has been admitted by this Court on 24.03.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.



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2. The learned counsel appearing for the petitioner has raised the following grounds for grant of suspension of sentence:-

(i) The contraband was recovered on 10.12.2022, but, it was produced before the Court belatedly. However, there was no proper explanation on the side of the prosecution for the said delay.

(ii) The prosecution has relied upon the cyclo-styled formats for the search memo, seizure mahazar and arrest intimation, which clearly establish that the documents were not prepared at the place of occurrence and at the time of alleged seizure.

(iii) There is no credible proof that the secret information was properly recorded and the compliance of mandatory provision under Section 75 of NDPS Act was not made in time.

(iv) The petitioner has no knowledge of Tamil and English language and he knows only Telugu, but, the proceedings are conducted only in Tamil and the petitioner has no chance to understand the proceedings.

(v) The petitioner is in jail from 12.12.2022.

(vi) The 1st accused has been enlarged on bail by suspending the sentence by this Court, by order dated 15.04.2026 in Crl.M.P.(MD)No.2292 of 2026.



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3. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

4. The petitioner has raised certain arguable points, however, the same can be considered during the final hearing of the appeal and the appeal could not be taken up for final hearing immediately for want of time. Further, the petitioner is in jail for more than 3 years and the co-accused, namely, 1st accused, has been enlarged on bail by suspending the sentence by this Court, in Crl.M.P.(MD)No.2292 of 2026, dated 15.04.2026.

5. In view of the above and also considering the period of incarceration, this Court is inclined to suspend the sentence with certain conditions. 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 Principal Special Judge for EC and NDPS Act Cases, Madurai.

(ii) The sureties shall file an affidavit before the respondent Police, by



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ensuring that the petitioner will not indulge in any other offence in future and he will be available during the appeal proceedings.

(iii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.

(v) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders and also file an affidavit that he will not indulge in any other offence in future and he will be available during the appeal proceedings.

(vi) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

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To

1. The learned Principal Special Judge
for EC & NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
Madurai NIBCID Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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