



Crl.M.P.(MD)No.6544 of 2026

in Crl.A.(MD)No.317 of 2025

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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.6544 of 2026

in Crl.A.(MD)No.317 of 2025

Chroswin @ Mariya Chroswin

... Petitioner/A2

versus

The State rep. by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed in the Judgment dated 28.08.2023 in C.C.No.97 of 2022 on the file of the learned Additional District Judge (FAC), Madurai, (I Additional Special Court for NDPS Act Cases, Madurai (FAC) and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.S.Sivasubramanian

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.97 of 2022 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried along with four other accused for the offence under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act that they were found in possession of 21 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 28.08.2023, found the accused persons guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act and convicted and sentenced them to undergo rigorous imprisonment for 10 years each and to pay a sum of Rs.1,00,000/- each, in default, to undergo simple imprisonment for six months. Challenging the Judgment of conviction and sentence, the petitioner has filed a separate appeal before this Court in Crl.A.(MD)No.317 of 2025 and the same has been admitted by this Court on 13.03.2025. Along with this appeal, the petitioner has moved a petition in Crl.M.P.(MD)No.3332 of 2025 in Crl.A.(MD)No.317 of 2025 seeking to suspend the sentence and the same was dismissed as withdrawn by order dated 17.04.2025. This is the second petition filed by the petitioner seeking to suspend the sentence imposed by the trial Court.



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

- (i) There was no recovery from the petitioner/2nd accused.
- (ii) L.W.5- Grade-I Constable, who participated in the search and seizure, has not been examined.
- (iii) L.W.6 and L.W.7 – observation mahazar witnesses have not been examined.
- (iv) L.W.8 and L.W.9, who are witnesses to the confession statements given by A1 to A5 have not been examined.
- (v) L.W.12 – Grade I Constable, who handed over the seized material objects/samples to L.W.11-Scientific officer has not been examined.
- (vi) The petitioner is in jail for more than 4 years.
- (viii) The co-accused, namely, A3 to A5 have been enlarged on bail by suspending the sentence, by this Court, in Crl.M.P.(MD)Nos.10131 and 16140 of 2025 in Crl.A.(MD)Nos.979 and 978 of 2023, vide order dated 24.04.2026.

3. The learned Additional Public Prosecutor opposed this petition that apart from this case, the petitioner is having eight previous cases.



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5. 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 4 ½ years and the co-accused have been enlarged on bail by suspending the sentence by this Court, in Crl.M.P.(MD)Nos. 10131 and 16140 of 2025 in Crl.A.(MD)Nos.979 and 978 of 2023, vide order dated 24.04.2026.

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.2,00,000/- (Rupees two lakh only) with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai. The sureties must be Government servants.

(ii) The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and he



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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 before the respondent Police 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 I Additional Special Court for NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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