



CrIMP(MD)No.6868 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.6868 of 2026
in
CrIA(MD)No.393 of 2026**

Stalin

...Petitioner

Vs

**The State represented by,
The Inspector of Police,
Sellur Police Station,
Madurai City.
[Crime No.584 of 2021]**

... Respondent

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentence of imprisonment imposed by the District and Sessions Court for Communal Clash Cases, Madurai in CC.No.545 of 2021 by judgment dated 19.02.2025 and enlarge the petitioner / appellant on bail, pending disposal of the above said criminal appeal.

For Petitioner : Mr.P.Suresh

**For Respondent : Mr.AS.Abul Kalaam Azad,
Government Advocate**



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ORDER

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The petitioner is accused in CC.No.545 of 2021 on the file of the District and Sessions Court for Communal Clashes Cases, Madurai. He was tried and by judgment dated 19.02.2026, he has been found guilty, convicted for the offence under 8(c) r/w 20(b)(ii)(B) of the NDPS Act and sentenced to undergo 7 years rigorous imprisonment with a fine of Rs. 50,000/- in default to undergo two years simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.393 of 2026 and the same has been admitted by this Court on 01.04.2026. The petitioner has also moved this petition to suspend the sentence.

2.Upon secret information the petitioner has been intercepted at Bharathi Nagar, Thathaneri on 30.07.2021 at 8.40am and upon search he was found in possession of 2 kgs of ganja. Hence the case.

3.The learned counsel for the petitioner submits that trial court convicted the petitioner on the ground that the defence side did not cross



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examine PW2 and PW3 and failed to advance arguments. The trial court has recorded the chief-examination in the absence of the petitioner's advocate. There are violation of provisions under Section 50 of the NDPS Act. The prosecution claims that Ex.P1 to ExP4 were prepared at the place of occurrence by PW2. However, all these documents are typed documents and therefore, they may not have been prepared in the place of occurrence. He further submits that it is an intermediate quantity and the petitioner is in jail from 19.02.2026.

4.The learned Government Advocate (Crl Side) appearing for the respondent submits that apart from this case the petitioner is having five other cases, of which two cases are related to the NDPS Act.

5.This court considered the submissions made and perused the material placed on record.

6.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of



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time. Considering the period of incarceration, the quantity of the contraband involved in this case and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum, to the satisfaction of the District and Sessions Court for Communal Clash Cases, Madurai. One surety must be a government servant and the other must be respectable person in the society.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence and he will be available for the appeal proceedings.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.



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(iv) If there is any change in the residence address of the petitioner, the same shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

09.04.2026

Index : Yes / No

DSK

To

- 1.The Inspector of Police,
Sellur Police Station,
Madurai City.
- 2.The District and Sessions Court
for Communal Clash Cases,
Madurai.
- 3.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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in
CrlA(MD)No.1304 of 2025

09.04.2026