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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)Nos.9579 and 11204 of 2026
in Crl.A.(MD)Nos.724 and 29 of 2025

Deivam

... Petitioner

in Crl.M.P(MD).No.9579 of 2026

M.Ravichandran @ Chandran

... Petitioner

in Crl.M.P(MD).No.11204 of 2026

Vs.

State Of Tamilnadu
Rep By The Inspector of Police,
Sedapatti Police Station,
Madurai District.

... Respondents
in both Crl.M.Ps

Prayer in Crl.M.P(MD).No.9579 of 2026:- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner / Appellant / Accused No.5, namely, Divam, W/o.Selvam passed by the learned Additional District Judge, Principal Special Court for NDPS Act cases, Madurai in C.C No.172 of 2023, dated 24.04.2025 and enlarge him on bail.



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Prayer in CrI.M.P(MD).No.11204 of 2026:- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence and conviction made in the judgment dated 30.04.2024 in C.C.No.159 of 2020 passed by the Additional Special Court for NDPS Act cases, Madurai and enlarge him on bail.

For Petitioner : Mr.M.Jegadeesh Pandian
(In CrI.M.P(MD).No.9579 of 2026)

For Petitioner : Mr.Thanga Prithivi Rajan
(In CrI.M.P(MD).No.11204 of 2026)

For Respondent : MsMoushika
(In both CrI.M.Ps) Government Advocate (CrI.Side)

COMMON ORDER

The petitioners are Accused Nos. 1 and 5 in C.C. No. 159 of 2020 on the file of the Special Court for NDPS Act Cases, Madurai. The petitioners were tried along with three other accused. During the pendency of the trial, the fifth accused absconded; therefore, the case against him was split up and tried separately in C.C. No. 172 of 2023. The trial Court convicted all the accused. The accused No.I in Crime No.85 of 2018 was found guilty by the trial Court and was convicted and sentenced as



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Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 20(b)(ii)(C) of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	one year simple imprisonment

The accused No.5 in Crime No.85 of 2018 was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act	14 years Rigorous imprisonment	Rs.1,00,000/-	Two years simple imprisonment

As against the conviction and sentence imposed by the trial Court in C.C.No.172 of 2023 dated 24.04.2025 and C.C.No.159 of 2020 dated 30.04.2024, the petitioners have filed a Criminal Appeal in CrI.A(MD)Nos. 724 and 29 of 2025 and the same were admitted by this Court on 01.08.2025 and 10.01.2025. However, the earlier applications filed by the petitioners to suspend the sentence were dismissed, taking into consideration the quantity of ganja involved and the conduct of the fifth



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accused in evading the trial.

2. The case of the prosecution is that the petitioners along with four others were found in possession of 78 Kilograms of contraband and when the police tried to nab the accused, the petitioners and others managed to flee away from the scene of occurrence and absconded. Hence the case.

3. The learned counsel for the petitioners submits that Accused No.5 has been in jail for a period of two years and six months and Accused No.1 has been in jail for a period of three years and six months. He further submits that the first accused was not arrested along with the contraband and has been implicated only on the basis of the confession statement of a co-accused. He also submits that the previous cases have been foisted against him only for statistical purposes. It is further pointed out that all other co-accused, except Accused No.5, have been released on bail by this Court in CrI.M.P. (MD) No. 2196 of 2025 dated 08.04.2025 and CrI.M.P. (MD) No. 18570 of 2025 dated 30.04.2026. The learned counsel for Accused No.5 submits that the entire contraband was recovered on the date of occurrence, but it was produced before the Court belatedly.

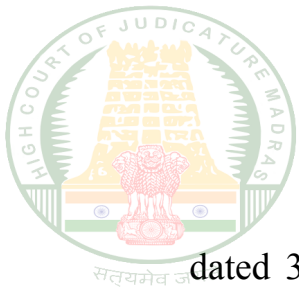


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4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposes the grant of suspension of sentence on the ground that the first accused is involved in seven cases, all of similar nature and considering his antecedents, the earlier applications filed by him were dismissed. With regard to the fifth accused, the learned Government Advocate (Crl.Side) submits that he evaded the trial and considering his conduct, this Court dismissed the earlier application filed by him. However, he admits that co-accused Nos. 2 and 3 have been enlarged on bail by this Court by suspending the sentence imposed by the trial Court.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Admittedly, Accused No.5 has been in jail for a period of two years and six months and Accused No.1 has been in jail for a period of three years and six months and the sentence imposed against the co-accused have already been suspended by this court in Crl.M.P. (MD) No. 2196 of 2025 dated 08.04.2025 and Crl.M.P. (MD) No. 18570 of 2025



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dated 30.04.2026 and the contraband said to have been seized only from the co-accused and the first accused was not present in the scene of occurrence and the contraband said to have been seized in this case has reached the court belatedly. The petitioners have raised certain arguable points, 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 time. Considering the points raised by the petitioners, their period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioners.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.2,00,000/- (Rupees two Lakhs only) each, with two Government sureties each for a like sum to the satisfaction of the learned I Additional Special Court for NDPS Act Cases, Madurai.
- ii. The petitioners and the sureties shall submit a copy of their



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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.

- i. The first accused shall report before the respondent police daily at 10.30 a.m., till the disposal of the appeal and the fifth accused shall report before the respondent police daily at 05.30 p.m., till the disposal of the appeal
- i. The petitioners and the Government sureties shall file an affidavit of undertaking before the respondent police that the petitioners will not misuse the liberty granted by this Court and will not involve in any offence in future.
- iii. In the event, if the petitioners have violated 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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17.06.2026



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To

1.The I Additional Special Court for NDPS Act Cases,
Madurai.

2.The Inspector of Police,
Sedapatti Police Station,
Madurai District.

3.The Superintendent,
Central Prison,
Madurai.

4. The Superintendent,
Special Prison for Women,
Vellore.



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B.PUGALENDHI, J.,

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