



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) Nos.8801 & 10321 of 2025

in

Crl.A(MD) Nos.736 & 836 of 2025

M.Pandidurai

... Petitioner in
Crl.MP(MD) No.8801/2025

Jeyaseelan

... Petitioner in
Crl.MP(MD) No.10321/2025

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
PEW – Dindigul Police Station,
Dindigul District.
Crime No.265 of 2023

... Respondent

Common Prayer :- These Criminal Miscellaneous Petitions are filed under Section 430 of BNSS, 2023 to suspend the sentence imposed on the petitioners in CC No.990 of 2023, dated 16.05.2025 on the file of the learned Judge, I Additional Special Court for EC & NDPS Act cases, Madurai and enlarge them on bail.



WEB COPY



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

For Petitioner : Mr.N.Manimaran
(in Crl.MP(MD) No.8801/2025)
For Petitioner : Mr.N.Manimaran
(in Crl.MP(MD) No.10321/2025)

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)
(In both Crl.MPs)

COMMON ORDER

The petitioners are accused Nos.2 and 3 in C.C.No.990 of 2023 on the file of the learned I Additional Special Judge for NDPS Act Cases, Madurai. They were arrested along with the 1st accused as if they have assisted the 1st accused by escorting TATA ACE vehicle, from which, the contraband was recovered. They were tried along with the 1st accused for the offence punishable under Section 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act. After the trial, the trial Court, by its Judgment dated 16.05.2025, found the petitioners guilty, convicted and sentenced them to undergo 14 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

simple imprisonment for a further period of two years. Challenging the Judgment of conviction and sentence, the petitioners have filed criminal appeals in Crl.A.(MD)Nos.836 and 736 of 2025 respectively and the same were admitted on 07.08.2025 and 11.07.2025. The petitioners have also filed these petitions seeking to suspend the sentence.

2. The learned counsel appearing for the petitioners submit that the recovery was made from TATA ACE vehicle bearing Reg.No.TN57AU 6675. The petitioners were arrested as if they have escorted the vehicle in two wheelers. However, the investigating agency has not collected any material connecting the petitioners with the 1st accused. The learned counsel have also pointed out that the respondent Police has not proved the recovery of 45 kgs. of ganja, as the contraband has not been placed before the Magistrate, samples have not been taken in the presence of the Magistrate and not even a photograph has been marked for recovery of 45 kgs. of ganja.



CrI.MP(MD) Nos.8801 & 10321 of 2025 in
CrI.A(MD) Nos.736 & 836 of 2025

Moreover, there was no recovery from the petitioners and they are in jail for the past three years. Therefore, the learned counsel insisted for suspension of sentence.

3.The learned Additional Public Prosecutor appearing for the respondent objects for grant of suspension of sentence to these petitioners on the ground that apart from the present case, the petitioners have also involved in yet another case. In the event, if they are released on bail, they may indulge in further offence. Therefore, he prays for dismissal of this petition.

4.The learned counsel for the petitioners have disputed the same and submits that the previous case referred by the learned Additional Public Prosecutor ended in acquittal in CC No.33 of 2019, dated 29.06.2022, by the Additional District Judge, Special Court under EC & NDPS Act cases, Coimbatore.



WEB COPY



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

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

6.The petitioners have raised certain arguable points, which can be considered only during the final hearing of the criminal appeals. However the appeals could not be taken up immediately, for want of time. In view of the above and considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioners. However, considering the serious objections raised by the learned Additional Public Prosecutor, this Court imposes certain stringent conditions 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:-



WEB COPY



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

- i. The petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) each with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act cases, Madurai, out of which, one surety must be a Government servant.
- ii. The persons, who are offering surety to the petitioners must file an affidavit of undertaking before the respondent police, ensuring that the petitioners will not involve in any offence in future and they will be available during the final hearing of the appeal. The petitioners shall also file an affidavit to that effect.
- iii. The petitioners shall appear before the respondent police daily at 10.30 a.m, until further orders.



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

WEB COPY

iv. If the petitioners violate any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

26.03.2026

Index : Yes/No
vrn



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

WEB COPY

To

1. I Additional Special Court for NDPS Act cases, Madurai
2. The Inspector of Police,
PEW – Dindigul Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Superintendent,
Central Prison,
Trichy.



WEB COPY



Crl.MP(MD) Nos.8801 & 10321 of 2025 in
Crl.A(MD) Nos.736 & 836 of 2025

B.PUGALENDHI, J.,

vrn

Common Order made in
Crl.MP(MD) Nos.8801 & 10321 of 2025
in
Crl.A(MD) Nos.736 & 836 of 2025

26.03.2026