



Crl.M.P.(MD)No.10333 of 2025

in Crl.A.(MD)No.837 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10333 of 2025

in Crl.A.(MD)No.837 of 2025

M.Kundal Alias Mathanraj

... Petitioner

versus

State of Tamil Nadu, rep. by
The Inspector of Police,
Aruppukkottai Town Police Station,
Aruppukkottai.

... Respondent

Petition filed under Section 430 of BNSS to suspend the sentence imposed by the learned Additional District and Sessions Judge for EC & NDPS Act cases, Pudukkottai, in C.C.No.176 of 2023 dated 11.03.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.K.Sakthivel

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



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ORDER

The petitioner is the accused No.3 in C.C.No.176 of 2023 on the file of the learned Additional District and Sessions Judge for EC & NDPS Act cases, Pudukkottai. He was tried along with other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 27A, 29(1) of NDPS Act that the accused persons have illegally transported 22.300 kgs. of ganja in a car bearing Reg.No.TN09 BP8442. After the trial, the trial Court, by its Judgment dated 11.03.2025, found the petitioner guilty, convicted and sentenced him to undergo 12 years rigorous imprisonment and to pay a fine of Rs.1,20,000/-, in default to undergo simple imprisonment for six months. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A. (MD)No.837 of 2025. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that the contraband was recovered on 25.12.2022, however, the same was produced before the trial Court on 27.01.2023 with a delay of 32 days. But, there was no proper explanation for the said delay on the side of the prosecution. He further



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submits that the mandatory requirements under Section 52(A) of NDPS Act was not followed by the investigating officer for drawing the samples. Further, the ownership of the car has not been proved by the prosecution case and though P.W.6 and P.W.7 were examined by the prosecution in this regard, they did not identify the accused persons in connection with the said vehicle. Therefore, the prosecution failed to prove the link between the accused persons and the vehicle. He further submits that the co-accused, namely, the 4th accused, has been granted bail by this Court, in Crl.M.P.(MD)No.14730 of 2025, on 25.03.2026, by suspending the sentence. Since the petitioner is in jail for nearly 1207 days (ie. from 25.12.2022 to 15.04.2026), he seeks to grant bail to the petitioner.

3. The learned Additional Public Prosecutor submits that the accused Nos.1 to 3 invested a sum of Rs.10,000/- each for purchasing the ganja, gave the said amount to the 4th accused, purchased 22.300 kgs. of ganja and transported the same in a white colour car. He further submits that apart from this case, the petitioner is having three previous cases to his credit. Therefore, he strongly opposed to grant bail to the petitioner.



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4. This Court considered the rival submissions made.

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. The co-accused, namely, accused No.4 has already been enlarged on bail by this Court in Crl.M.P.(MD)No.14730 of 2025, by suspending the sentence on 25.03.2026. Further, the petitioner is in jail for more than 3 years and 3 months.

6. Though the learned Additional Public Prosecutor has opposed to grant bail to the petitioner, considering the period of incarceration undergone by the petitioner, the arguable points raised by the petitioner and also considering the fact that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence with certain conditions.

7. 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



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only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge for EC & NDPS Act Cases, Pudukkottai.

(ii) Out of the two sureties, one surety must be a Government Servant. 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 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



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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.

15.04.2026

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To

1. The learned Additional District and
Sessions Judge for EC & NDPS Act Cases,
Pudukkottai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Aruppukkottai Town Police Station,
Aruppukkottai.



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



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B.PUGALENDHI, J.

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