



Crl.M.P.(MD)Nos.10145 and 10229 of 2025

in Crl.A.(MD)Nos.277 of 2024 and 827 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)Nos.10145 and 10229 of 2025

in Crl.A.(MD)Nos.277 of 2024 and 827 of 2025

Crl.M.P.(MD)No.10145 of 2025

Baskaran

... Petitioner

versus

The State of Tamilnadu, Rep. by
The Inspector of Police,
Mathichiyam Police Station,
Madurai.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in C.C.No.511 of 2021 dated 13.03.2024 passed by the I Additional Special Court for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.C.Karuppasamy Pandiyan

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



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Crl.M.P.(MD)No.10229 of 2025

Alva @ Uma Maheswaran

... Petitioner

versus

The State of Tamilnadu, Rep. by
The Inspector of Police,
Mathichiyam Police Station,
Madurai.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in C.C.No.511 of 2021 dated 13.03.2024 passed by the learned I Additional District and Sessions Judge, Special Court for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.P.Suresh

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

COMMON ORDER

The petitioners are accused Nos.5 and 3 respectively in C.C.No.511 of 2021 on the file of the I Additional District and Sessions Judge, Special Court for NDPS Act Cases, Madurai. They were tried along with four other accused



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for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act that the accused Nos.1 and 2 were found in possession of 30 kgs. of ganja having purchased from Andhra Pradesh through accused Nos.3 to 6. After the trial, the trial Court, by its Judgment dated 13.03.2024, found the accused Nos.1 to 3 and 5 guilty, convicted and sentenced them to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs.1,00,000/- each, in default to undergo simple imprisonment for 12 months each. Challenging the Judgment of conviction and sentence, the petitioners have filed appeals before this Court in Crl.A.(MD)Nos.277 of 2024 and 827 of 2025 respectively and the same were admitted on 07.06.2024 and 04.08.2025.

2. Insofar as the 3rd accused is concerned, this is the first petition filed by him. Insofar as the 5th accused is concerned, this is the 3rd petition filed by him. The 1st petition filed by the 5th accused in Crl.M.P.(MD)No.3978 of 2024 was dismissed by this Court on 20.09.2024 and the 2nd petition filed by the 5th accused in Crl.M.P.(MD)No.3158 of 2025 was withdrawn on 08.04.2025.

3. The learned counsel appearing for the petitioners submit that the petitioners have been implicated only through the confession statement of the



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accused No.2 and the similarly placed accused persons, namely, accused Nos.4 and 6 were acquitted by the trial Court. According to them, the petitioners are in jail for more than four years and one month. Therefore, they seek for suspending the sentence against the petitioners.

4. The learned Additional Public Prosecutor strongly opposed the petitions stating that apart from this case, the accused No.3 is involved in four other cases, out of which, two cases are pending trial and in one case, he was acquitted and in another case relating to the offence under NDPS Act, he was convicted by the Court. The details of the previous cases are as follows:

(i) E2 – Police Station - Crime No.255/2019 – u/s. 294(b), 341, 302, 506(ii) IPC and 147, 148, 294(b), 341, 302 IPC – Pending Trial.

(ii) E2 – Police Station – Crime No.327/2017 – u/s. 392 r/w. 397, 506(ii) IPC – Pending Trial.

(iii) E2 – Police Station – Crime No.1456/2020 – u/s. 392 r/w. 397 & 506(ii) IPC – acquitted.

(iv) Cr.No.137/2021 – u/s. 8(c) r/w. 20(b)(ii)(C) and 29(1) NDPS Act – convicted.



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5. The learned Additional Public Prosecutor further submits that the 5th accused is also involved in 13 previous cases, out of which, three cases are relating to 302 IPC offence and in one murder case, he was acquitted by the Court. In the remaining cases, five cases are pending trial. The details of the previous cases are as under:

(i) E-3 Police Station – Cr.No.1082/12 – u/s. 307 IPC – acquitted.

(ii) E-3 Police Station – Cr.No.361/15 – u/s. 147, 148, 324, 506(ii) – PT
20.04.2026 for L.W.1 to 4

(iii) E2 Police Station – Cr.No.888/2015 u/s.147, 148, 302 IPC PT –
16.03.2026 for L.W.17, 18, 19, 22 to 28.

(iv) E2 Police Station – Cr.No.312/2017 u/s. 147, 148, 294(b), 307, 324,
506(ii) IPC – PT – 18.04.2026 F/s.

(v) E2 Police Station – Cr.No.738/2017 u/s. 147, 148, 294(b), 326,
506(ii) IPC – acquitted.

(vi) Poovanthi Police Station – Cr.No.105/2016 u/s. 120(b), 34, 397 IPC.

(vii) B1 Police Station – Cr.No.1003/2019 u/s. 392 r/w. 397, 506(ii) IPC
– acquitted.

(viii) E-2 Police Station – Cr.No.1279/2020 u/s. 397, 506(ii) IPC – PT –



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10.04.2026 NBW Pending.

(ix) E-2 Police Station Cr.No.1324/2020 u/s. 212, 294(b), 307, 341, 506(ii) IPC – PT – 10.04.2026 A2 NBW

(x) E3 Police Station Cr.No.1672 / 2016 u/s. 147, 148, 302 IPC r/w. SC/ST Act – acquitted.

(xi) Covai Sirumugai Police Station – Cr.No.230/2022 u/s. 302 IPC @ 109, 120(b), 147, 148, 341, 294(b), 506(ii) IPC , 302 IPC.

(xii) Sivagangai Police Station – Cr.No.264/23 u/s. 229(A) IPC.

(xiii) E2 Police Station Cr.No.352/23 u/s. 294(b), 392, 397, 506(ii) IPC PT 18.04.2026 – Fresh summon.

6. This Court considered the rival submissions made.

7. The petitioners have been implicated only through the confession statement of the 2nd accused. It is reported that the accused Nos.4 and 6, who were similarly placed persons, were acquitted by the trial Court. The learned Additional Public Prosecutor has raised serious objection that both the accused are having previous cases to their credit as stated above.



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8. Though the learned Additional Public Prosecutor has opposed to grant bail to the petitioners, considering the period of incarceration undergone by the petitioners and also considering the fact that the appeals could not be taken up for final hearing immediately for want of time and the accused Nos.4 and 6, who were similarly placed accused persons, were acquitted by the trial Court, this Court is inclined to suspend the sentence with certain conditions.

9. 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 Rs.3,00,000/- (Rupees three lakh only) each, with two sureties each for a like sum to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(ii) The sureties must be respectable Government Servants. The sureties shall file an affidavit before the respondent Police, by ensuring that the petitioners will not indulge in any other offence in future and they will be available during the appeal proceedings.

(iii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their



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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 petitioners shall not misuse the liberty granted to them by indulging in any further offence.

(v) The petitioners shall appear before the respondent Police daily at 10.30 a.m. until the trial in all other cases are completed. They shall also file an affidavit before the respondent Police that they will not indulge in any other offence in future and they will be available for trial in other cases pending against them and they will also be available for appeal proceedings.

(vi) 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.

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



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B.PUGALENDHI, J.

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