

Crl.M.P.No.13454 of 2016
in Crl.A.No.829 of 20165

S.BASKARAN, J.

The petitioner, who is the 2nd accused in Special C.C.No.57 of 2002 on the file of Special Court/Chief Judicial Magistrate, Namakkal, seeks suspension of sentence, imposed by judgment dated 25.11.2016, by granting him appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal.

2. After trial, petitioner/A-2 was convicted and sentenced as under:-

(i) Under Section 7 of the Prevention of Corruption Act, 1988, sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1000/- in default to undergo 1 month simple imprisonment.

(ii) Under Section 13(2) r/w.13(1)(d) of Prevention of Corruption Act, 1988, sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment.

(iii) The sentence of imprisonment imposed for each offence shall run concurrently.

3. The learned counsel for the petitioner submitted that the prosecution witnesses before the trial court did not give any incriminating evidence, implicating the appellant/petitioner with regard to the case of prosecution. Thus, there is prima facie case, in favour of the petitioner. He also submitted that total fine amount had already been paid by the appellant/petitioner/A-2. In the circumstances, he may be granted bail.

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4. The learned Additional Public Prosecutor appearing for the State, would submit that on consideration of entire materials on record, the trial court has rightly found the petitioner guilty and convicted him and there is no prima facie case in favour of the petitioner.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Accordingly, finding a prima facie case in favour of the petitioner, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/A-2/appellant.

(b) His sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of learned Special Court/Chief Judicial Magistrate, Namakkal;

(c) Petitioner/A-2 shall report before the said court on the first working day of every month at 10.30 am., until further orders.

19.12.2016

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Note:Issue order on 20.12.2016

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