Crl.M.P.Nos.13492 and 13493 of 2016
in Crl.A.No.831 of 2016

S.BASKARAN, J.

The petitioner, who is the 4th accused in Special C.C.No.4 of 2007 on the file of XI Additional Special Judge for Banking Securities and Financial Institutions (BS&FC) CBI cases, Chennai, seeks suspension of sentence, against the sentence imposed, by judgment dated 8.12.2016, by granting him appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal and also seeks modification regarding imposition of fine amount.

2. After trial, petitioner/A-4 was convicted and sentenced as under:-

Under Sections 120(B) IPC, 420, 471 r/w.467 IPC, sentenced to undergo 3 years rigorous imprisonment for each offence and to pay a fine of Rs.5,00,000/- for each offence (totally Rs.15,00,000/-) in default to undergo 6 months simple imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of success in the appeal and there are triable issues in the main criminal appeal. He also submitted that the petitioner is an orphan and no means to pay the fine amount imposed by the trial court. In the circumstances, learned counsel prayed for grant of bail and modification of the fine amount.

4. Heard the learned Special Public Prosecutor appearing for the State.

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, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/A-4/appellant.

(b) Instead of the total fine amount of Rs.15,00,000/-, the petitioner is directed to deposit Rs.6,00,000/- (Rupees six lakhs) in two equal instalments.

(c) First instalment of Rs.3,00,000/- shall be deposited in the trial court at the time of executing the bail bond.

(d) Second instalment of Rs.3,00,000/- shall be deposited in the trial court within three months from the date of execution of bail bond.

(e) In default of depositing the second instalment within the due date, CBI or the complainant can move this court for cancellation of the petitioner's appeal bail.

(f) Petitioner's/A-4, sentence of imprisonment alone is suspended on condition that she 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 XI Additional Special Judge for Banking Securities and Financial Institutions (BS&FC) CBI cases, Chennai;

(g) Petitioner/A-4 shall report before the said court on the first working day of every month at 10.30 am., until further orders.

20.12.2016

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S.BASKARAN, J.

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