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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL MP(MD) No.9554 of 2016
IN
CRL A(MD) No.361 of 2016

M.SAPPANI

...APPELLANT/ ACCUSED(SINGLE)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DETACHMENT,
(CRIME NO.20 OF 2005)

... RESPONDENT/COMPLAINANT.

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge me on bail by suspending the sentence imposed by the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli Tirunelveli district in Special Case No. 21 of 2014 vide his judgement dated 26.09.2016 pending the disposal of the main Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ANAND, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.side), on behalf of the Respondent, the court made the following order:-

The accused in Spl.Case No.21 of 2014, on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli, Tirunelveli District, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 7 of Prevention of Corruption Act, 1988.	3 years R.I. + Fine Rs.5,000/-, i/d 5 Months S.I.
Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	3 years R.I. + Fine Rs.5,000/-, i/d 5 Months S.I.



3. Fine amount has been paid.

4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that the sentence was already suspended by this Court, till 03.10.2016.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal.

6. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli, Tirunelveli District.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

03/11/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE FOR TRIAL OF CASES UNDER THE PREVENTION OF
CORRUPTION ACT, TIRUNELVELI

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI-CORRUPTION,
TIRUNELVELI DETACHMENT

+1. C.C. to M/S.R.ANAND Advocate SR.No.65969.

ORDER IN

CRL MP(MD) No.9554 of 2016 IN

CRL A(MD) No.361 of 2016

Date :03/11/2016