

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.13824 of 2017

IN CRL A.703/2017

K.SRINIVASAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI - CORRUPTION,
TRICHY.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.703/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.Case No.13/2012 on the file of the Learned Chief Judicial Magistrate/Special Judge, Ariyalur dated 31.10.2017 and enlarge the petitioner on bail till the disposal of Crl.A.No.703 of 2017 [IN CRL.MP.NO.13284 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.703/2017 on the file of the High Court and upon hearing the arguments of MR.N.R.ELANGO SENIOR COUNSEL FOR M/S.ARUNA ELANGO, Advocate for the petitioner and of MR.P.GOVINDARAJAN ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Seeking to suspend the sentence imposed on the petitioner by the learned Chief Judicial Magistrate/ Special Judge, Ariyalur in Spl.Case No.13 of 2012 dated 31.10.2017 u/s 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and to enlarge the petitioner on bail, the petitioner is before this Court with this petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (criminal side) appearing for the respondent.

3. When this miscellaneous petition came up for hearing on 07.11.2017, the learned Additional Public Prosecutor took notice for the respondent and the case was adjourned to 15.11.2017 (today) for filing the counter affidavit. Though the learned Additional Public Prosecutor has not filed the counter affidavit, he made his submissions opposing to suspend the sentence imposed on the

petitioner on the ground that prosecution has proved the demand of bribe by the accused. Hence, the trial Court has granted a minimum sentence of 7 years and hence the petitioner is not entitled to come out on bail when the appeal is pending.

4. However, the learned counsel for the petitioner took this Court through the contradictions found in the deposition of the de-facto complainant in respect of the demand and acceptance of bribe and the modified statements given by the de-facto complainant. Since this matter has to be dealt in detail during the final disposal, this Court is inclined to suspend the sentence alone on the following conditions:-

(i) The petitioner/A-1 shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate/ Special Judge, Ariyalur.

(ii) The petitioner/A-1 shall appear before the Chief Judicial Magistrate Judge, Ariyalur on the first working day of every English calendar month at 10.30 a.m until further orders.

-sd/-
15/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1C.C. to M/S.ARUNA ELANGO Advocate on payment of necessary
charges SR NO.21004

Order

in
CRL MP.13824/2017

in
CRL A.703/2017

Date :15/11/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:17/11/2017