

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.1890 of 2017

IN CRL A.64/2017

K.BOJARAJAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
CHENNAI CITY II,
VIGILANCE AND ANTI-CORRUPTION,
NANDANAM, CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.64 of 2017 on the file of the High Court, the High Court will be pleased to enlarge the appellant on bail by suspending the sentence passed in C.C.No.26/2011 (OLD C.C.NO.6/2009) dated 23.1.2017 on the file of the Special Court for the cases under prevention of corruption Act at Chennai pending disposal of C.A.No.64/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.64 of 2017 on the file of the High Court and upon hearing the arguments of M/S.L.SRILEKA, Advocate for the petitioner and of MR.E.RAJA, PUBLIC PROSECUTOR(V & AC) on behalf of the Respondent the court made the following order:-

The petitioner, who is the second accused in C.C.No.26 of 2011 on the file of the learned Special Judge, Special Court for the cases under Prevention of Corruption Act, Chennai, seeks suspension of sentence, by granting him appeal bail under Section 389 (1) of Cr.P.C., pending disposal of the above appeal.

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

Accused	Conviction	Sentence
Accused No.2	Section 7 of Prevention of Corruption Act, 1988	1 year rigorous imprisonment and fine Rs.1,000/- in default three months simple imprisonment
	Section 13(2) r/w. 13(1) (d) of Prevention of Corruption Act, 1988	2 years rigorous imprisonment and fine Rs.1,000/- in default three months simple imprisonment

Both the sentences are directed to run concurrently.

3. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case.

4. Heard the learned Public Prosecutor on the submissions made by the learned counsel for the petitioner.

5. Taking into consideration the submissions of the learned counsel for the petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that he shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for the cases under Prevention of Corruption Act, Chennai, and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. until further orders.

-sd/-
08/02/2017

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 SPECIAL COURT FOR THE
CASE UNDER PREVENTION OF CORRUPTION ACT,
CHENNAI.

2 THE PUBLIC PROSECUTOR(V&AC)
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CHENNAI CITY II, VIGILANCE AND ANTI-
CORRUPTION, NANDANAM, CHENNAI.

C.C. to M/S.L.SRILEKA Advocate on payment of necessary charges
Sr.2698

Order

in
CRL MP.1890/2017

in
CRL A.64/2017

Date :08/02/2017

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

RVR 08/02/2017