

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.6438 of 2017

IN CRL A.259/2017

1 C.JABAGURUNATHAN
2 C.P.CHELLADURAI
3 B.CHANDRASEKARAN
4 S.SEKAR
5 T.MURUGESAN

[PETITIONERS]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, SPE/CBI/ACB,
CHENNAI CHARGE SHEET NO.3/VDS/28.01.2010 RC
MA 1 2009 (A) 005 OF SPE/CBI/ACB, CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To suspend the sentence imposed upon the Petitioners/Appellants/Accused in C.C.No.6 of 2010, dated 27.04.2017 by the Honble Additional Judge CBI CASES AT COIMBATORE and enlarge the Petitioners/Appellants/Accused on bail pending disposal of the above Crl.A.No.259 of 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.XAVIER FELIX, Advocate for the petitioner and of PUBLIC PROSECUTOR Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioners, who are the accused 3, 5, 6, 8 and 9 in C.C.No.6 of 2010 on the file of the learned II Additional District Judge / Special Judge for C.B.I. Cases, Coimbatore, seek suspension of sentence, against the conviction imposed, by judgment dated 27.04.2017, pending disposal of the above appeal.

2. The learned counsel for the petitioner submitted that the petitioners/appellants have a fair chance of success in the appeal, as there is prima facie case in favour of the petitioners. He also submitted that the petitioners have paid the fine amounts before the trial court. In the circumstances, the petitioners/appellants may be granted bail.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

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

5. 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 suspension of sentence to the petitioners.

6. Accordingly, pending appeal the substantive sentence of imprisonment alone is suspended and the petitioners are released on bail, on each of them executing 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 the learned II Additional District Judge, Special Court for CBI cases, Coimbatore, and on further condition that petitioners shall report before the trial court on the first working day of every month at 10.30 am., until further orders.

-sd/-

05/05/2017

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 II ADDITIONAL DISTRICT
JUDGE, SPECIAL COURT FOR CBI CASES,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SPE/CBI/ACB, CHENNAI CHARGE SHEET
NO.3/VDS/28.01.2010 RC
MA 1 2009 (A) 005 OF SPE/CBI/ACB, CHENNAI.

+2C.C. to M/S.S.XAVIER FELIX Advocate on payment of
necessary charges SR.NO.8444

Order
in
CRL MP.6438/2017
in
CRL A.259/2017
Date :05/05/2017

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EGR 10/05/2017