



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen  
PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

WEB COPY

CRL MP(MD) No.10855 of 2017

IN

CRL A(MD) No.477 of 2017

BOJARAJAN

... PETITIONER/ APPELLANTS/ 2<sup>nd</sup> ACCUSED  
Vs

STATE REP.BY

THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION WING,  
MADURAI.

CRIME NO.2/2013

... RESPONDENT/ RESPONDENT/ COMPLAIANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and conviction imposed by the Learned Special Judge,PC Act Cases, Madurai dated 31/10/2017 in S.C.No.1 of 2015 and enlarge the petitioner on bail, pending disposal of the main appeal.

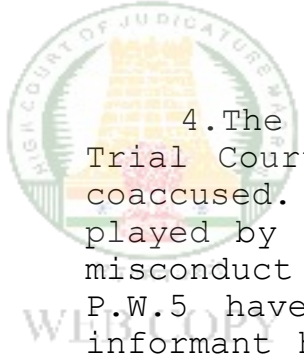
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.DILIP KUMAR, Advocate for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A, the court made the following order:-

The petitioner / accused in S.C.No.1 of 2015 dated 31.10.2017 on the file of the Special Judge, P.C.Act Cases, Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, the petitioner has been convicted and sentenced and he paid the fine amount. The petitioner has been convicted and sentenced as under:

| Conviction                             | Sentence                                                                       |
|----------------------------------------|--------------------------------------------------------------------------------|
| Section 13(2) r/w 13(1) (d) of P.C.Act | 2 years RI / SI and to pay fine of Rs.2,000/- i/d to undergo 4 months SI / RI. |
| Section 12 of P.C.Act                  | 2 years SI / RI and to pay fine of Rs.2000/- i/d to undergo 4 months SI / RI.  |

3.The Trial Court has suspended the sentenced of imprisonment till 30.11.2017. The petitioner has preferred the present Criminal Appeal against the judgment of the Trial Court before this Court. Fine amount has been paid.



4.The learned counsel for the petitioner submitted that the Trial Court by order dated 08.11.2017 suspended the sentenced for coaccused. He also submitted that there is no demand or any role played by the petitioner / appellant in respect of the allegations misconduct under Prevention of Corruption Act, 1988 and P.W.2 & P.W.5 have been treated as hostile by the prosecution and the informant has not supported the prosecution case and no demand was made by this petitioner and complaint was also not lodged against the petitioner by the informant and the petitioner has not aware of the transactions with A1 or with one Thirumurugan. It is further submitted that the explanation of the petitioner was not recorded by the Investigating Officer immediately after the trap proceedings, which is a mandatory requirement under the Vigilance Manual. He further submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the petitioner is having prima facie case and having arguable points in his favour and seeks suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial. He further submitted that the petitioner is not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension as suspension of sentence was granted to the co accused in this case.

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. Accordingly, the petition is allowed on the following conditions:

- (i) Appeal bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Special Court for Prevention of Corruption Cases, Madurai.
- (iii) The petitioner shall appear before the Court concerned on the first working day of every month at 10.30 a.m., until further orders.

sd/-

28/11/2017

/ TRUE COPY /



TO

1. THE JUDGE,  
SPECIAL COURT FOR PREVENTION OF CORRUPTION CASES,  
MADURAI.

WEB COPY

2. THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION WING, MADURAI.

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

+1. C.C. to M/S.N.DILIP KUMAR Advocate SR.No.35250

ORDER

IN

CRL MP (MD) No.10855 of 2017

IN

CRL A (MD) No.477 of 2017

Date :28/11/2017

**MS/PM-PN/SAR.4/28.11.2017/3P.5C**