

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.29 of 2018

IN CRL A.5/2018

1 N.GIRIPRASAD,

[PETITIONERS/APPELLANT/ACCUSED]

2 VIJAYAKUMARI PRASAD,

Vs

THE STATE REP BY ITS,

[RESPONDENT]

THE INSPECTOR OF POLICE,

SPE/CBI/ACB/CHENNAI.

R.C.NO.MA1 2009 A 0069.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.5 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed as against the petitioners in C.C.No.8 of 2011 dated 21.12.2017 passed by the Learned Principal Special Judge for CBI CASES, VIII Additional City Civil Court, Chennai-104 and grant bail to the petitioners pending disposal of the main Appeal No.5 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.5 of 2018 on the file of the High Court and upon hearing the arguments of M/S.S.SATHISHRAJAN, Advocate for the petitioner and of MR. K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed in the judgment dated 21.12.2017 made in C.C.No.8 of 2011 on the file of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai - 104 and enlarge the petitioners on bail, convicted and sentenced the petitioners as under:

Conviction under Section	Sentence
A1, Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988	Two years rigorous imprisonment and to pay a fine of Rs.1,00,000/- in default to undergo simple imprisonment for six months.
A2, Section 109 IPC r/w 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988	Two years rigorous imprisonment and to pay a fine of Rs.1,00,000/- in default to undergo simple imprisonment for six months.

2. Challenging the same, the present appeal has been filed along with this petition for suspension of sentence.

3. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points available in the appeal, I am inclined to pass the following orders: The substantive sentence imposed against the petitioners alone is suspended on condition that

i) the petitioners shall execute a bond for a sum of Rs.10,00,000/- (Rupees ten lakhs only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai - 104, within a period of two weeks from the date of receipt of a copy of this order and also

ii) the petitioners shall appear before the above said Court on the first working day of every English calendar month, at 10.30 am, until further orders.

-sd/-
05/01/2018

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 PRINCIPAL SPECIAL JUDGE
FOR CBI CASES, VIII ADDITIONAL CITY CIVIL
COURT, CHENNAI-104.

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
SPE/CBI/ACB/CHENNAI

+1 C.C. to M/S.S.SATHISHRAJAN Advocate on payment of necessary
charges-Sr.283

Order

in
CRL MP.29/2018

in
CRL A.5/2018

Date :05/01/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 08.01.2018