



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

Tuesday, the Eleventh day of June Two Thousand Nineteen

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PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL MP (MD) No.4523 of 2019

IN

CRL A (MD) No.96 of 2019

A.ABDUL AZIZ

... PETITIONER/ APPELLANT

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

CBI : SCB : CHENNAI.

RC.NO.4/S/94/CBI/ SCB/MAS

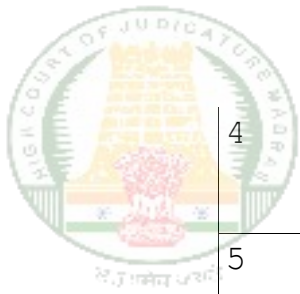
... RESPONDENT/ RESPONDENT

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 grant bail to the Appellant / 4<sup>th</sup> Accused against the Judgment dated 29.01.2019 in C.C.No.8 of 2010 on the file of the II Additional District Court for CBI Cases, Madurai pending disposal of this Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.LAJAPATHI RAY, Advocate for Mr.I.ROBERT CHANDRAKUMAR, Advocate for the petitioner and of Mr.N.NAGENDIRAN, Special Public Prosecutor for CBI cases on behalf of the Respondent, the court made the following order:-

The petitioner herein was convicted and sentenced to imprisonment vide judgment dated 29.01.2019 in C.C.No.8 of 2010 on the file of the II Additional District Court for CBI Cases, Madurai. The details of the conviction and sentences are as follows:-

|   | Offences                     | Imprisonment                                               |
|---|------------------------------|------------------------------------------------------------|
| 1 | 120 B r/w 468 of IPC         | 7 years R.I + 25,000 fine in default to undergo 1 year S.I |
| 2 | 468 of IPC                   | 7 years R.I + 25,000 fine in default to undergo 1 year S.I |
| 3 | 120 B r/w 468 r/w 471 of IPC | 7 years R.I + 25,000 fine in default to undergo 1 year S.I |



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|   |                      |                                                            |
|---|----------------------|------------------------------------------------------------|
| 4 | 468 r/w 471 of IPC   | 7 years R.I + 25,000 fine in default to undergo 1 year S.I |
| 5 | 120 B r/w 468 of IPC | 7 years R.I+ 25,000 fine in default to undergo 1 year S.I  |
| 6 | 420 of IPC           | 7 years R.I + 25,000 fine in default to undergo 1 year S.I |
|   |                      | Total fine Rs.1,50,000/-                                   |

2.The petitioner has already been in prison for almost 1035 days. The learned Special Public Prosecutor appearing for CBI would strongly oppose the bail application by pointing out the bad antecedents of the petitioner herein. The case is of the year 1998. The petitioner absconded after the filing of charge sheet for over 11 years. With great difficulty CBI secured him in the year 2010. The learned Special Public Prosecutor wants this Court to bear in mind the conduct of the petitioner while considering his bail application. He also submitted that the petitioner should be put on stiff financial terms.

3.I am of the view that there are arguable points in favour of the petitioner. But then as rightly pointed out by the learned Special Public Prosecutor sufficient safeguard must be put in place to ensure that the petitioner abides by the outcome of the criminal appeal.

4.The petitioner's counsel states that the petitioner is now aged about 63 years and he is being taken care of by his daughter. The petitioner is presently residing at House No.141, CK House, Ward No.10, Pattikad Post, Kizhattur Panchayat, Malappuram District, Kerala-679325. He also submitted that the said house falls within the limit of Melattur Police Station, Perinthalmanna Taluk, Malappuram District, State of Kerala.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further 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 is entitled to the relief of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with common surety each for a like sum to the satisfaction of the II Additional District Court for CBI Cases, Madurai.



7. The petitioner shall appear before the Melattur Police Station on every Monday at 11.00 am. The said police is also directed to intimate the respondent every Monday about the compliance of this order passed by this Court. This Court issues such a direction to the police authorities before whom the petitioner is to sign every Monday to ensure that he does not abscond again. The petitioner shall surrender the passport before the learned trial Judge and he shall not leave the State of Kerala and Tamil Nadu without permission of the learned trial Judge. The petitioner shall also sign on the first working day of the month once in three months before the learned Trial Judge.

sd/-  
11/06/2019

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE II ADDITIONAL DISTRICT JUDGE FOR CBI CASES,  
MADURAI.
2. THE INSPECTOR OF POLICE, CBI : SCB : CHENNAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**COPY TO:**

THE INSPECTOR OF POLICE,  
MELATTUR POLICE STATION,  
PERINTHALMANNA TALUK,  
MALAPPURAM DISTRICT,  
STATE OF KERALA.

+1. C.C. to Mr. I. ROBERT CHANDRAKUMAR Advocate SR.No.9391

ORDER  
IN  
CRL MP (MD) No.4523 of 2019  
IN  
CRL A (MD) No.96 of 2019  
Date : 11/06/2019

**MS/VR/SAR-3/11.06.2019/3P.7C**