

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.MP.No.6075 of 2020

in CrI.A.No.395 of 2020

K.Sanjeesh

.. Petitioner / Appellant

vs.

State by

The Inspector of Police

CBI/ACB/Chennai

R.C.11 (A) /2008

.. Respondent/Respondent

Criminal Miscellaneous Petition filed under Section 389 & 439 of Cr.P.C. praying to enlarge the petitioner on bail by suspending the sentence imposed on the him in C.C.No.3 of 2009 on the file of the II Additional District Judge (CBI Cases), Coimbatore, dated 23.09.2020, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

ORDER

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 23.09.2020 passed in C.C.No.3 of 2009 on the file of the II Additional District Judge (CBI Cases), Coimbatore and to enlarge the petitioners on bail till the disposal of the appeal.

2. The petitioner (A1), who was an accused in C.C.No.3 of 2009 before the II Additional District Judge (CBI Cases), Coimbatore was convicted of the offences under Sections 120(B) r/w.420, 468, 471 of IPC., and Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced as under:

S.No.	Provision under which convicted	Sentence
1	Section 120-B r/w.420, 468, 471 of IPC and Section 13(2) r/w. 13(1) (d) of the Prevention of Corruption Act, 1988	Two years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default to undergo simple imprisonment for three months
2	Section 420 IPC	Two years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default to undergo simple imprisonment for three months
3	Section 471 IPC	Two years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default to undergo simple imprisonment for three months
4.	Section 13(2) r/w.13(1) (d) of the Prevention of Corruption Act, 1988	Two years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default to undergo simple imprisonment for three months

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner have filed Crl.A.No.395 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.K.Srinivasan, learned Special Public Prosecutor for CBI cases for the respondent.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The trial Court has suspended the sentence of imprisonment imposed on the petitioner till 23.10.2020. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail, pending disposal of the appeal.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the II Additional District Judge (CBI Cases), Coimbatore on or before 02.11.2020.
- (ii) After such surrender, the petitioner shall be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the II Additional District Judge (CBI Cases), Coimbatore.
- (iii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the the II Additional District Judge (CBI Cases), Coimbatore may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iv) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-
07/10/2020

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 (CBI CASES), COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.

+1C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges
SR.No.6663

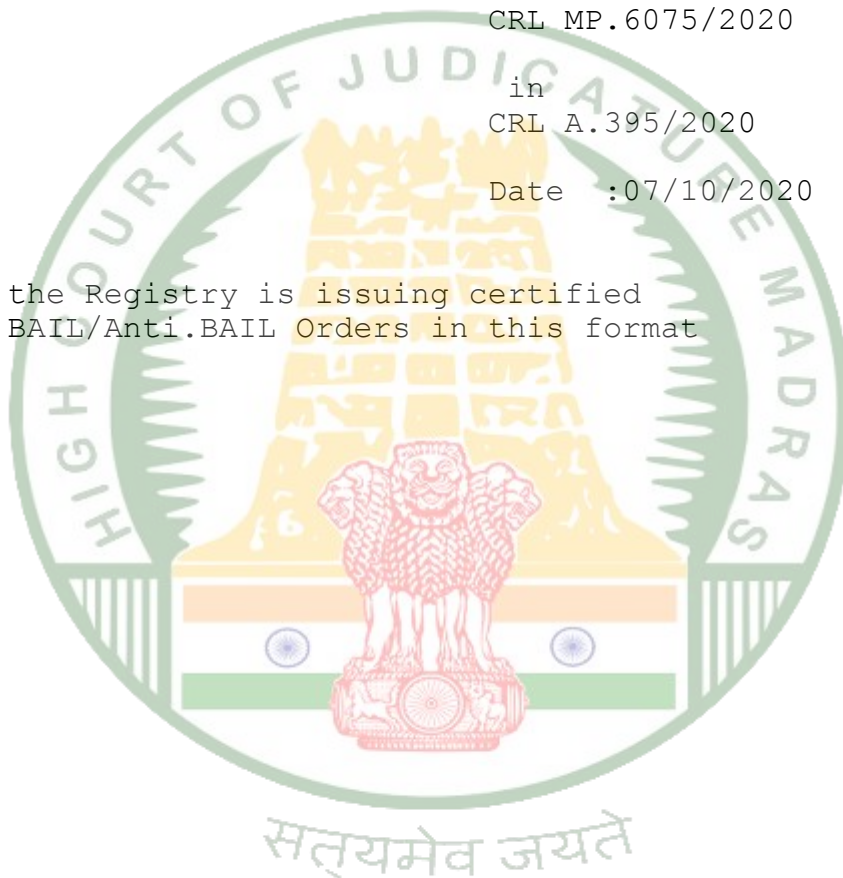
Order

in
CRL MP.6075/2020

in
CRL A.395/2020

Date :07/10/2020

From 7.2.2001 the Registry is issuing certified
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cs 09/10/2020



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