

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6295 of 2020

IN CRL.A.NO.411 OF 2020

R.KANNAN

[APPELLANT / ACCUSED NO.1]

Vs

STATE REP. BY

[RESPONDENT / COMPLAINANT]

THE INSPECTOR OF POLICE,
SPE/CBI/BS AND FC/BANGALORE
R.C.NO.8 (E) /2008

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.411/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in C.C.No.45 of 2009 dated 29.09.2020 by the Learned XI Additional Special Judge for CBI Cases, relating to Banks and Financial Institutions, Chennai-600 001, and enlarge the Appellant/Accused No.1 on bail, pending disposal of the above Crl.A.No.411/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.411/2020 on the file of the High Court and upon hearing the arguments of M/S.A.V.SOMASUNDARAM, Advocate for the petitioner and of M/S.K.SRINIVASAN, Special Public Prosecutor for CBI Cases on behalf of the Respondent the court made the following order:-

This case is taken up through video conference.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order 29.09.2020 passed in C.C.No.45 of 2009 on the file of the XI Additional Special Court for CBI Cases (relating to Banks and Financial Institutions), Chennai - 600 001 and enlarge the petitioner on bail pending disposal of the above appeal.

3. The petitioner, who was the first accused in C.C.No.45 of 2009 before the XI Additional Special Court for CBI Cases (relating to Banks and Financial Institutions), Chennai, was convicted of the offences under Sections 120-B r/w 409 and 420 IPC and Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 (in short "the PC Act") and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 120-B IPC	Three years rigorous imprisonment and fine of Rs.50,000/-, in default to undergo six months simple imprisonment.
2	Section 409 IPC	Three years rigorous imprisonment and fine of Rs.50,000/-, in default to undergo six months simple imprisonment.
3	Section 420 IPC	Three years rigorous imprisonment and fine of Rs.50,000/-, in default to undergo six months simple imprisonment.
4	Section 13(2) r/w 13(1) (d) of the PC Act	Three years rigorous imprisonment and fine of Rs.50,000/-, in default to undergo six months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed CrI.A.No.411 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.A.V.Somasundaram, learned counsel for the petitioner and Mr.K.Srinivasan, learned Special Prosecutor for CBI Cases appearing for the respondent/State.

6. 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 28.10.2020. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioner shall surrender before the XI Additional Special Court for CBI Cases (relating to Banks and Financial Institutions), Chennai, before 09.11.2020;

- (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 XI Additional Special Court for CBI Cases (relating to Banks and Financial Institutions), Chennai;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iv) The petitioner 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 he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

-sd/-
15/10/2020

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 XI ADDITIONAL SPECIAL JUDGE
FOR CBI CASES, (RELATING TO BANKS AND
FINANCIAL INSTITUTIONS), CHENNAI.

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

3 THE INSPECTOR OF POLICE,
SPE/CBI/BS AND FC/BANGALORE.

+1 C.C. to M/S. A.V.SOMASUNDARAM Advocate on payment of necessary
charges SR.No.6928

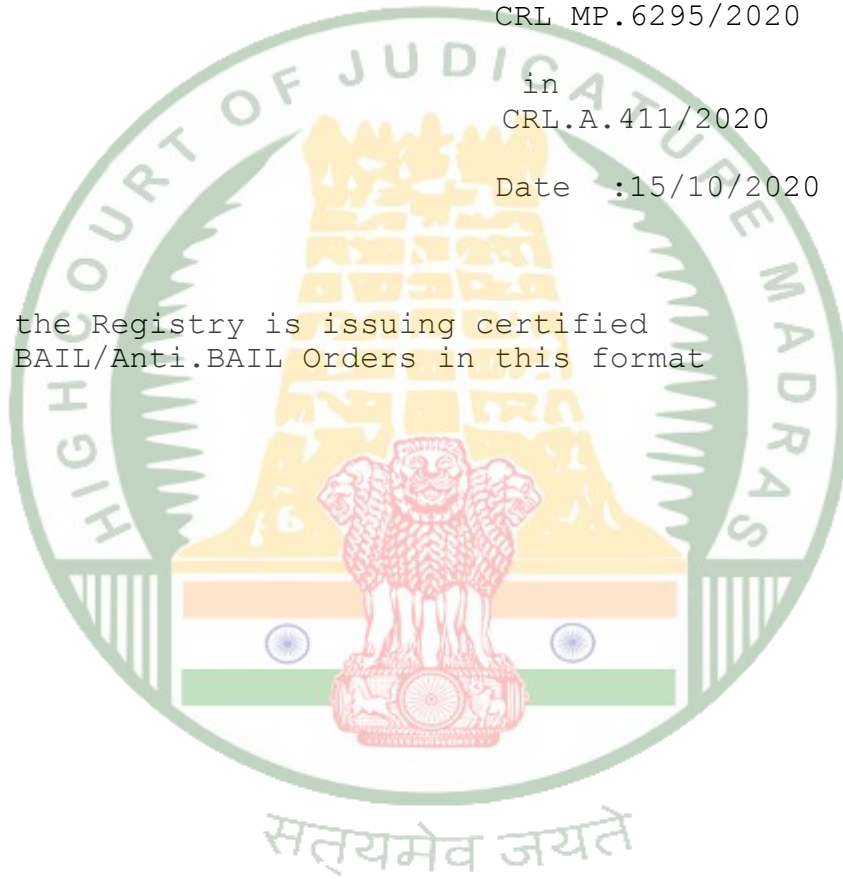
Order

in
CRL MP.6295/2020

in
CRL.A.411/2020

Date :15/10/2020

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copies of the BAIL/Anti.BAIL Orders in this format
cs 16/10/2020



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