

Crl.M.P.No.6373 of 2020
in Crl.A.No.415 of 2020

P.N.PRAKASH, J.

This case is taken up through video conference.

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

3. The petitioners, who were second and third accused in C.C.No.3 of 2009 before the II Additional District Court (CBI Cases), Coimbatore, were convicted and sentenced as follows:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Rakav Balaji (A2) and Jayasankar (A3)	Section 120-B r/w 420 IPC	Three years rigorous imprisonment and fine of Rs.75,000/-, in default to undergo three months simple imprisonment, each.
	Section 468 IPC	
	Section 471 IPC	
	Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988	

The aforesaid sentences were ordered to run concurrently.

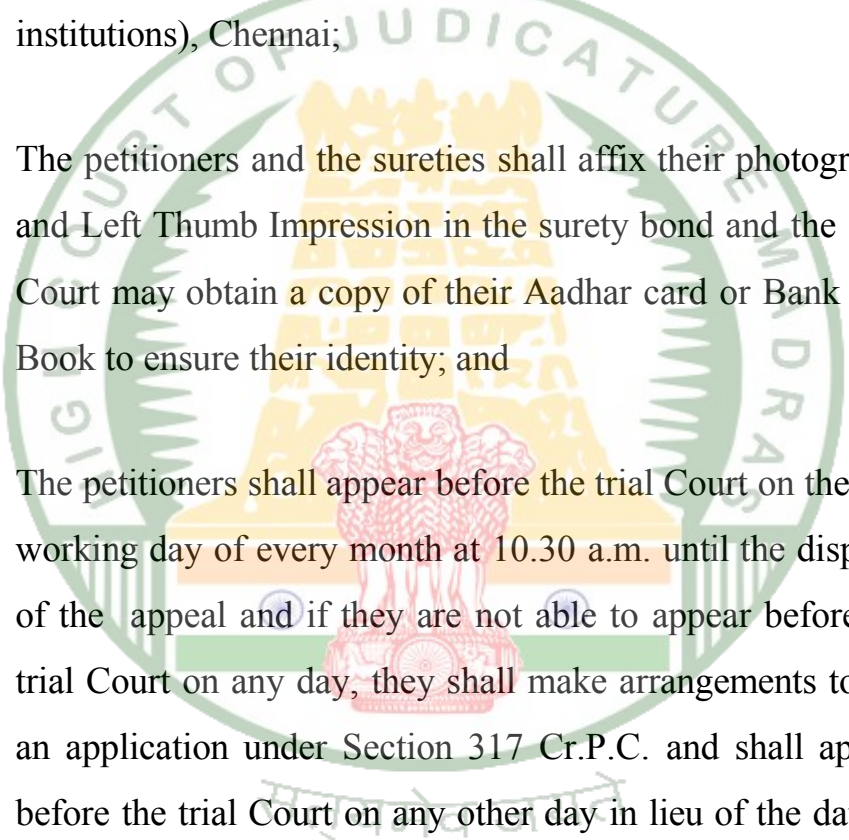
4. Challenging the above conviction and sentences, the petitioners have filed Crl.A.No.415 of 2020 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.A.Mohamed Ismail, learned counsel for the petitioners and Mr.K.Srinivasan, learned Special Prosecutor for CBI Cases appearing for the respondent/State.

6. The petitioners have 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 petitioners 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.

7. 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 Court (CBI Cases), Coimbatore, before 09.11.2020;

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- (ii) After such surrender, the petitioners shall be released on bail on they executing a bond for a sum of Rs.10,000/-, 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 petitioners 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 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.

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16.10.2020

nsd

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IN Crl.A.No.415 of 2020

P.N.PRAKASH, J.

At the instance of the learned counsel for the petitioners, this matter is listed today under the caption “*for being mentioned*”.

2. Learned counsel for the petitioners brought to the notice of this Court that, in condition (ii) of paragraph 7 of the order dated 16.10.2020, it has been wrongly typed as, “the XI Additional Special Court for CBI Cases (relating to banks and financial institutions), Chennai” instead of “the II Additional District Court (CBI cases), Coimbatore” and hence, the said mistake may be rectified and the corrected order copy be issued.

3. Accepting the aforesaid submission of the learned counsel for the petitioners, the Registry is directed to issue the corrected order copy as aforesaid.

सत्यमेव जयते

28.10.2020

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To

1. The II Additional District Judge (CBI Cases),
Coimbatore.
2. The Inspector of Police,
CBI/ACB/Chennai,
RC 11/A/2008 of
of CBI/ACB/Chennai.
3. The Special Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.

nsd



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28.10.2020