

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.7153 of 2020

in Crl.A.No.467 of 2020

A.Kala Ponnusamy @ Kala ...Petitioner/Accused

Vs.

State represented by ... Respondent/Complainant
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem District.
(Crime No.10/AC/2011/SL)

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order 07.10.2020 passed in Special C.C.No.99 of 2014 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988, Salem (Old Special C.C.No.2 of 3013 on the file of the then Special Court-cum-Chief Judicial Magistrate Court, Salem) and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

ORDER

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 07.10.2020 passed in Special C.C.No.99 of 2014 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988 (for brevity "the PC Act") Salem (Old Special C.C.No.2 of 3013 on the file of the then Special Court-cum-Chief Judicial Magistrate Court, Salem) and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in Special C.C.No.99 of 2014 before the Special Court for the cases under the PC Act, Salem, was convicted and sentenced as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 7 of the PC Act	One year rigorous imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.
Section 13(2) r/w 13(1) (d) of the PC Act	Two years rigorous imprisonment and fine of Rs.10,000/-, in default to undergo six months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentence, the petitioner has filed CrI.A.No.467 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.L.Infant Dinesh, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) 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 under Section 389 (3) Cr.P.C. imposed on the petitioner till 21.11.2020. 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 Special Court for the cases under the PC Act, Salem, within a period of two weeks from the date of receipt of a copy of this order;
- (ii) After such surrender, the petitioner shall be released on bail on he executing a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for the cases under the PC Act, Salem;
- (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/-
23/11/2020

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 SPECIAL JUDGE,
SPECIAL COURT FOR THE CASES UNDER
THE PREVENTION OF CORRUPTION ACT, 1988, SALEM.

2 THE SPECIAL COURT-CUM-CHIEF JUDICIAL
MAGISTRATE COURT, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SALEM DISTRICT.

C.C. to M/S.L.INFANT DINESH Advocate on payment of necessary charges

Order
in
CRL MP.7153/2020
in
CRL A.467/2020

Date :23/11/2020

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