IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.7214 of 2020

in

Crl.A.No.470 of 2020

Tr.Meer Mustafa Hussain .. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
V & AC Police Unit, Chennai - 28.
(Crime No.5 of 2013) .. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order 22.10.2020 passed in C.C.No.15 of 2015 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988, Chennai and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.N.R.Elango
Senior Counsel for
Ms.Kavitha Deenadayalan

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

O R D E R

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 22.10.2020 passed in C.C.No.15 of 2015 on the file of the Special Court for the cases under the Prevention of Corruption Act, 1988 (for brevity "the PC Act"), Chennai and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in C.C.No.15 of 2015 before the Special Court for the cases under the PC Act, Chennai, was convicted and sentenced as follows:

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S.No.	Provision under which convicted	Sentence
1	Section 409 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
2	Section 420 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
3	Section 468 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
4	Section 471 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
5	Section 13(2) r/w 13(1)(c) of the PC Act	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
6	Section 13(2) r/w 13(1)(d) of the PC Act	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.470 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.N.R.Elango, learned Senior Counsel representing Ms.Kavitha Deenadayalan, learned counsel on record for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.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. It is seen that the trial Court has suspended the sentence of imprisonment under Section 389(3) Cr.P.C and granted bail to the petitioner. However, this Court directed the petitioner to surrender before the trial Court and thereafter, seek suspension of sentence and bail. Accordingly, it is reported that the petitioner has surrendered on 01.12.2020 and is in confinement in the Central Prison, Chennai. In such view of the matter, this Court is of the opinion 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:

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(i) 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, Chennai;

(ii) 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

(iii) 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/-
02/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR THE
CASES UNDER THE PREVENTION OF CORRUPTION ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI

4 THE INSPECTOR OF POLICE,
V AND AC POLICE UNIT,
CHENNAI-28.

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5 THE SECTION OFFICER
CRIMINAL SECTION, HIGH COURT, MADRAS.

C.C. to M/S.KAVITHA DEENADAYALAN Advocate on payment of necessary charges Sr.7860

Order

in
CRL MP.7214/2020

in
CRL A.470/2020

Date :02/12/2020

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

RVR 02/12/2020

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