



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.17473 of 2019

IN CRL A.187/2019

T.M.VARADHARAJAN

[PETITIONER/APPELLANT]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
SPE/CBI/ACB CHENNAI.
RC MA/2004-0050.

[RESPONDENT/COMPLAINANT]

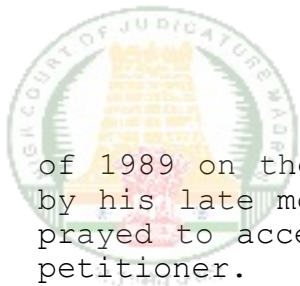
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspension of the sentence imposed in C.C.No.30/2006 dated 28.11.2018 passed by the Hon'ble XI Additional Sessions Judge at Chennai and enlarge the petitioner on Interim bail pending disposal of the above Crl.A.187/2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.A.SARAVANAN, Advocate for the petitioner, and of MR.K.SRIVIVASAN, Special. Public Prosecutor for CBI-cases, on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.C.No.30 of 2006 dated 28.11.2018 passed by the learned XI Additional Sessions Judge, Chennai to enlarge the petitioner on bail pending disposal of the above appeal.

2. Mr.A.Saravanan, learned counsel appearing for the petitioner submitted that, on the earlier occasion, this Court suspended the sentence while he was in prison, and imposed a condition to deposit 50% of the fine amount in two installments. However, the said amount was not deposited due to the amputation of the petitioner's right leg in prison, and he has also suffered serious health issues. Today, the learned counsel has submitted an undertaking affidavit stating that the petitioner is willing to offer his 1/5th undivided share in the above mentioned property, situated at No.4, old No.20, Sivan Koil South Street, Chennai 600 024 vide document No.5114 of 1988 and 125



of 1989 on the file of SRO, Kodambakkam, Chennai 24, which was owned by his late mother, as a security for his release on bail. Hence, he prayed to accept the affidavit and also prayed to grant bail for the petitioner.

3. The learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that, on the earlier occasion, this Court imposed condition of depositing 50% of fine amount, even today, that amount was not deposited. Hence, instead of depositing fine amount, substituting his share in the immovable property as security is not settled one. However, the learned Special Public Prosecutor did not raise any serious objection for grant of bail.

4. Considering the facts and circumstances and the undertaking affidavit filed by the learned counsel for the petitioner condition No.8.(ii) and 8. (ii) (a) of the order dated 25.04.2019 made in Crl.MP.Nos.4712 & 4713 of 2019 in Crl.A.No.187 of 2019 is modified to the effect that:

"8. (ii) The petitioner shall file an affidavit before the trial Court along with copy of the document for offering 1/5th undivided share in the property situated at No.4, old No.20, Sivan Koil South Street, Chennai 600 024 vide document No.5114 of 1988 and 125 of 1989 on the file of SRO, Kodambakkam, Chennai 24, as security."

5. The other conditions in the order dated 25.04.2019 made in Crl.MP.Nos.4712 & 4713 of 2019 in Crl.A.No.187 of 2019 shall remain intact. Accordingly, this Court is inclined to grant bail to the petitioner.

-sd/-
10/01/2020

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 SESSION
JUDGE, CHENNAI.

2 THE INSPECTOR OF POLICE
SPE/CBI/ACB CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.
<https://hcservices.ecourts.gov.in/hcservices/>



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 C.C. to M/S. A.SARAVANAN Advocate on payment of necessary
charges SR.NO.633

Order

in
CRL MP.17473/2019

in
CRL A.187/2019

Date :10/01/2020

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

TA-13/01/2020