

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.6096 of 2021

in

Crl. A. No.294 of 2021

C.Krishnaveni

... Petitioner

vs.

The State by Inspector of Police
Economic Offences Wing-II
Erode
(Crime No.22 of 2012)

... Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 389(1) r/w 439 of Cr.P.C, praying to suspend the sentence of imprisonment imposed in the judgment dated 08.12.2020 passed in CC No.6/2013 on the file of Special Court under TNPID Act, Coimbatore and enlarge the petitioner on Bail pending disposal of the above Criminal Appeal before this Hon'ble Court.

For Petitioner : Mr. R.Nalliyappan

For Respondent : Mr. L.Baskaran

ORDER

(The case has been heard through video conference)

This criminal miscellaneous petition has been filed against the judgment dated 08.12.2020 in C.C.No.6 of 2013 on the file of Special Court under TNPID Act, Coimbatore, wherein, the petitioner was convicted and sentenced,

(i) to undergo two years simple imprisonment and to pay fine of Rs.15,000/- for each counts (Rs.15,000/- x 39 Counts x 2 accused =Rs.11,70,000/-) under Section 120 B of IPC in default of payment of fine to undergo further one year simple imprisonment,

(ii) to undergo three years simple imprisonment and to pay fine of Rs.15,000/- for each counts (Rs.15,000/- x 30 Counts x 2 accused=Rs.11,70,000/-) under Section 420 IPC in default of payment of fine to undergo further one year simple imprisonment, and

(iii) to undergo ten years simple imprisonment and to pay fine of Rs.15,000/- (Rs.15,000/- x 30 Counts x 2 accused=Rs.11,70,000/-) under Section 5 of TNPID Act 1997 in default of payment of fine to undergo further one year simple imprisonment (Total fine amount Rs.46,80,000/-) The above mentioned sentences are ordered to run concurrently.

2.Challenging the same, the petitioner/A3 has filed the above appeal in Crl.A. No.294 of 2021 and pending the appeal, the present miscellaneous petition has been filed by the petitioner/A3 for suspension of sentence .

3.The learned counsel for the petitioner submits that after the conviction and sentence imposed by the trial court, the petitioner surrendered on 08.12.2020 and she is in jail for more than four months. He further submits that out of the fine amount of Rs.46,80,000/- fine imposed by the trial court, the petitioner, on his own volition, is ready and willing to deposit Rs.20,00,000/- to the credit of C.C. No.6 of 2013, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore, within four weeks from the date of his release. Further, learned counsel appearing for the petitioner submits that in view of the present situation, the petitioner, to show her bona fide as a law abiding citizen, on her own volition, is ready to donate a sum of Rs.2,00,000/- within a period of two weeks from the date of her release in favour of the Health Secretary, Government of Tamil Nadu for the purpose of purchase of COVID-19 vaccines and associated medicines and administering for the general public.

4.The learned counsel appearing for the State submitted that the petitioner has cheated around 39 depositors and, therefore, vehemently opposed the grant of bail to the petitioner.

5.Taking into consideration the submissions advanced by the learned counsel on either side and also considering the pandemic situation in which is gripping the country and also the attitude of the petitioner to come forward on her own volition to contribute to the cause of the ailing citizens by willing to contribute a sum of Rs.2,00,000/- to the health infrastructure of the State and also the further fact that within the time stipulated by this Court the petitioner is willing to deposit a sum of Rs.20,00,000/- to the credit of the crime number before the trial court and also taking into consideration the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail subject to the following conditions :-

(a) the petitioner is directed to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison women jail, Coimbatore, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) After the release, within a period of four weeks, from the date of lifting of lockdown and commencement of regular functioning of Court below the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs) within two weeks from the date of release in favour of the Health Secretary, Tamil Nadu State Government, for the purchase of COVID 19 vaccines and medicines and produce proof of such payment at the time of execution of sureties before the concerned Magistrate/Special Judge;

(e) the petitioner shall further deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) within four weeks from the date of release to the credit of C.C. No.6 of 2013, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore.

(f) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(g) the petitioner shall report before the trial court once in 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, until further orders;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) the petitioner shall not abscond either during investigation or trial;

(j) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(k) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/06/2021

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 UNDER TNPID ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON WOMEN JAIL,
COIMBATORE.

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE HEALTH SECRETARY,
TAMIL NADU STATE GOVERNMENT.

C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges

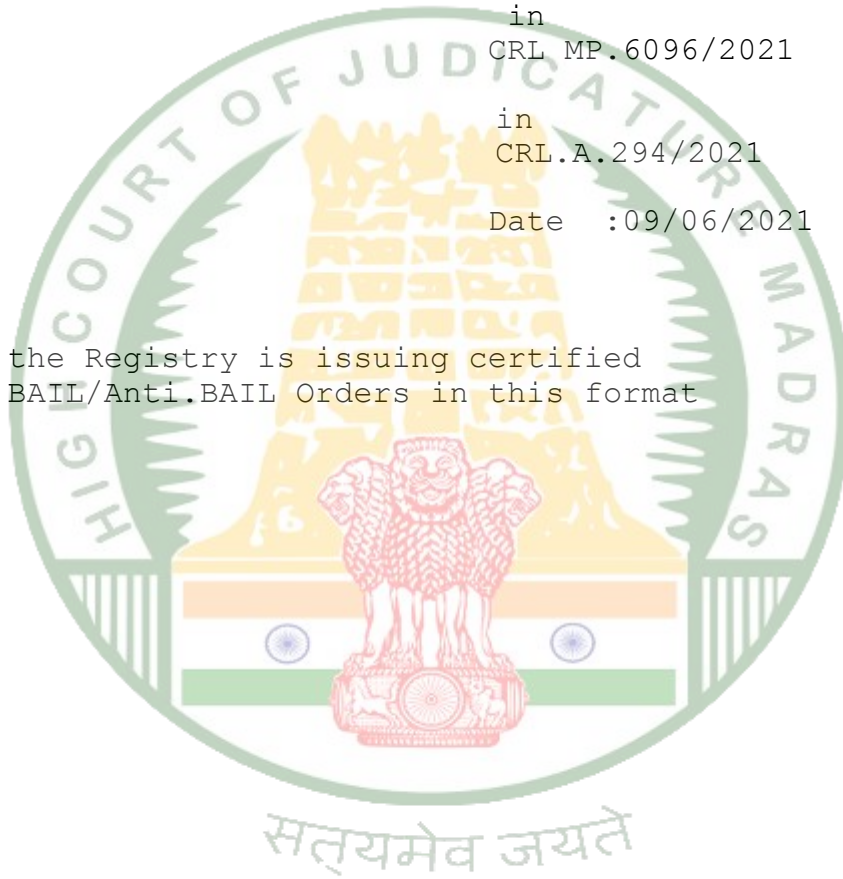
Order

in
CRL MP.6096/2021

in
CRL.A.294/2021

Date :09/06/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 11/06/2021



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