



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.7543 of 2021

in

Crl.A.No.368 of 2021

S.Thangaraj

... Petitioner

Vs.

The State rep.by its
Inspector of Police,
E.W.O.II, Erode,
Coimbatore District,
Crime No.9 of 2004.

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 22.07.2021 made in C.C.No.48 of 2008 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore (C.C.No.24 of 2005 - TNPID Court, Chennai) pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 22.07.2021 made in C.C.No.48 of 2008 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, in and by which the petitioner/A4 herein was convicted and sentenced to undergo simple imprisonment for a period three years and to pay a fine of Rs.1,000/- under Section 5 of TNPID Act, in default, to undergo simple imprisonment for one year.

2.The case of the prosecution is that the accused 2 to 5 had canvassed and invited P.W.1 to P.W.7 to deposit their amount under a false promise of giving higher rate of interest, which they had failed to pay on the date of maturity, the petitioner/A4 herein and other accused have been charged for the offence under Section 5 of TNPID Act.



3. The learned counsel for the petitioner would submit that neither on the date of deposit nor on the date of complaint, the petitioner was retired from the first accused firm and he has no liability to pay the said amount and the petitioner has not committed any offence as alleged by the prosecution. The petitioner/A4 joined in the first accused firm on 15.03.1996 and the said firm was registered on 29.03.1996 and the petitioner was retired from the firm on 25.2.1997, whereas the complaint was registered in the year 2004.

4. Considering the submissions made by the learned counsel for the petitioner and also considering the fact that there are arguable points in the main Criminal Appeal and records has to be received from the Trial Court and typed set of papers has to be prepared for hearing of Criminal Appeal and that this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

5. In view of the above, this Court is inclined to grant bail to the petitioner on the following conditions:-

(i) The petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court under TNPID Act, Coimbatore within a period of 15 days from the date of receipt of a copy of this order.

(ii) the petitioner shall appear before the above said Special Court, on the first working day of every month at 10.30 a.m., till the disposal of the appeal.

-sd/-

09/08/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
E.W.O.II, ERODE,
COIMBATORE DISTRICT.

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

C.C. to M/S. N.MANOCHARAN Advocate on payment of necessary
charges

Order

in
CRL MP.7543/2021

in
Crl.A.No.368 of 2021

Date :09/08/2021

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

RVR 10/08/2021