



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10073 of 2021

IN

CRL.A.No.458/2021

TR.M.SIVALINGAM

[APPELLANT/ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SPECIAL INVESTIGATION CELL,
CHENNAI.

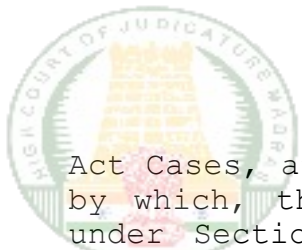
[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant bail to appellant/Accused by suspending the sentence of imprisonment imposed upon him by the learned trial court in C.C.No.11 of 2015 dated 03.09.2021 in Cr.No.5/2014/AC/HQ (On the file of the Vigilance and Anticorruption, SIC, Chennai) pending disposal of the main Criminal Appeal No. 458 of 2021 on the file of this Hon`ble Court.

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.S.SAMUEL RAJA PANDIAN, Advocate for the petitioner and of M/S E.RAJ THILAK Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

[Video Conferencing]

1.This Criminal Miscellaneous Petition has been filed by the Petitioner / Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 03.09.2021 made in CC.No.11/2015, by the learned Special Judge, Special Court for Prevention of Corruption



Act Cases, at Chennai, pending disposal of the Criminal Appeal, in and by which, the petitioner / Accused was convicted for the offences under Section 7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act, and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of three months simple imprisonment for the commission of the offence u/s.7 of the Prevention of Corruption Act and was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of three months simple imprisonment for the commission of the offence u/s.13[2] read with 13[1][d] of the said Act.

2.This court heard the learned counsel on either side and also perused the materials placed on record.

3.According to the learned counsel for the Petitioner/Accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioner/Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/Accused may be suspended. It is also his submission that the fine amount had already been paid.

4.The learned Additional Public Prosecutor has raised objections for suspending the sentence.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel and the learned Additional Public Prosecutor, this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

6.Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/Accused is ordered to be enlarged on bail, on the following conditions:-

i.The Petitioner/Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, at Chennai ;



ii. The Petitioner//accused shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

WEB COPY

-sd/-

01/10/2021

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 FOR PREVENTION OF CORRUPTION
ACT CASES, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
SPECIAL INVESTIGATION CELL, CHENNAI.

+1 C.C. to M/S.S.SAMUEL RAJA PANDIAN Advocate on payment of
necessary charges SR.No.10876

Order

in
CRL MP.10073/2021

in
CRL.A.No.458/2021

Date :01/10/2021

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

APN 06/10/2021