



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.M.P.No.10608 of 2021

in Crl.A.No.482 of 2021

Shanmugam

... Petitioner/Appellant

Vs.

State Represented by its
The Inspector of Police,
CBI/ACB/Chennai.
(RC 16/A/2008 of CBI/ACB, Chennai)

... Respondent/Respondent

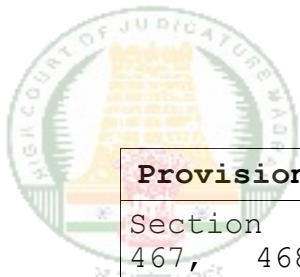
PRAYER: Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C., praying to suspend the sentence imposed on the petitioner by the learned II Additional District Judge (CBI Cases), Coimbatore by judgment dated 30.09.2021 made in C.C.No.8 of 2009 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.K.Srinivasan
Special Public Prosecutor for CBI cases

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed against the petitioner in C.C. No.8 of 2009 on the file of the learned II Additional District Judge (CBI Cases), Coimbatore by judgment dated 30.09.2021, pending disposal of this Criminal Appeal and release the accused/petitioner on bail. The petitioner/accused has been convicted and sentenced by the trial Court as follows:



Provision under which convicted	Sentence
Section 120-B r/w 420, 419, 467, 468, 471 of IPC and Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 and for each of the substantive offences punishable under Section 420, 467 and 471 of IPC	Three Years rigorous imprisonment, and to pay fine of Rs.2,00,000/- (Rs.50,000 x 4), in default, to undergo six months Simple Imprisonment.
Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988.	Three years rigorous imprisonment and to pay fine of Rs.1,00,000/-, in default, to undergo six months simple imprisonment.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.Now, since this revision has been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned **II Additional District Judge (CBI Cases), Coimbatore**, within fifteen days from the date of receipt of a copy of this order;

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned **II Additional District Judge (CBI Cases), Coimbatore**.

(c) On release on bail the petitioner shall not influence, threaten or coerce the witnesses either during trial;

(d) the petitioner shall not abscond during trial;

(e) the petitioner shall appear on the first working day of every month before the learned **II Additional District Judge (CBI Cases), Coimbatore** till the disposal of this Criminal Appeal by this Court;

(f) on breach of any of the aforesaid conditions, the

<https://hcservices.hccourts.gov.in/hcservices/> Learned Criminal Magistrate/ Trial Court is entitled to take



appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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]**. The learned II Additional District Judge (CBI Cases), Coimbatore shall report the matter to the High Court for dismissal of the Criminal Appeal and the petitioner shall face the criminal revision from the prison.

-sd/-
12/10/2021

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 II ADDITIONAL DISTRICT
JUDGE (CBI CASES), COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CBI/ACB/CHENNAI.

+1 C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges SR.NO.11429

Order

in
CRL MP.10608/2021

in
CRL A.482/2021

Date :12/10/2021

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

TA-18/10/2021