

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.8581 of 2020

IN CRL A.525/2020

T.NATARAJAN

[APPELLANT/ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
V AND AC, VILLUPURAM.
CR.NO.5/2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.525 of 2020 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail in connection with Judgement dated 10.12.2020 passed in Special case No.66 of 2014 on the file of the Special Judge, Special court for Prevention of Corruption Act cases, villupuram pending disposal of the above Crl.A.No.525 of 2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.525 of 2020 on the file of the High Court and upon hearing the arguments of M/S.R.POORNIMA, Advocate for the petitioner and of MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the Appellant/Accused, praying to enlarge the petitioner on bail in connection with the Judgment dated 10.12.2020 made in Special Case No.66/2014, on the file of the learned Special Judge, Special Court for Prevention of Corruption Act Cases, Villupuram, pending disposal of the appeal.

2.The Appellant/Accused was found guilty of the offences under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 7 of Prevention of Corruption Act, 1988	4 Years Rigorous Imprisonment and shall pay a fine of Rs.5,000/- in default to undergo 6 Months Simple Imprisonment.

S.No.	Conviction	Sentence
2.	Under Section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	4 Years Rigorous Imprisonment and shall pay a fine of Rs.5,000/- in default to undergo 6 Months Simple Imprisonment.

The sentences are ordered to run concurrently. Aggrieved against the same, the Appellant/Accused has preferred this appeal. Pending appeal, the petitioner has filed the present miscellaneous petition seeking for suspension of sentence.

3.The case of the prosecution is that the Appellant/Accused was working as a Village Administrative Officer at Kodungal Village and he was also holding the additional charge of the post of Village Administrative Officer at Mugaiyur Village from 18.11.2010 to 08.07.2013. The facts of the case is that on 26.06.2013, the de facto complainant viz., G.Durai is a Havildar in Indian Army, he accompanied by his mother and they had applied for the Legal Heir Certificate in the name of his Grand Mother viz., Late Sengeniammal, who had a vacant site in Mugaiyur Village and to mutate the said land to the name of the mother of the de facto complainant. The Appellant/Accused had asked him to come back after 10 days and on 06.07.2013, once again, G.Durai/the de facto complainant had approached the Appellant/Accused and he had asked him to meet him at 1.00 p.m., at his office and thereafter, on the same day, at 1.00 p.m., the Appellant/Accused had demanded an illegal gratification of Rs.6,000/- to process the aforesaid application for obtaining Legal Heir Certificate and later, he reduced the amount to Rs.5,000/- and instructed him to pay the said sum of Rs.5,000/- on the following Monday. Thereafter, on 08.07.2013, the Appellant/Accused had reiterated the demand, the said G.Durai/de facto complainant who does not want to give any money as bribe for obtaining Legal Heir Certificate had lodged a complaint before the respondent police. Thereafter, a trap was laid on the same day and the Appellant/Accused was caught red handed while receiving the bribe amount. Based on the complaint, a case was registered by the respondent police and after the investigation, the Appellant/Accused was charged, tried and committed for the offence as stated above.

4.The learned counsel for the Appellant/Accused would submit that the Trial Court erred in convicting the Appellant/Accused, when the prosecution has not proved the case beyond all reasonable doubts and that there are arguable points available in the appeal and that the Appellant/Accused is advised that he has got a fair chance of succeeding in the appeal. He would submit that the Appellant/Accused after conviction was remanded to judicial custody on the same day i.e., 10.12.2020 and that the Appellant/Accused is now confined in the District Jail, Villupuram and would pray that the substantive sentence of imprisonment imposed against the Appellant/Accused may be suspended, she would also submit that the fine amount has already been paid.

5.The learned Additional Public Prosecutor would submit that the Appellant/Accused was arrested red handed while receiving the bribe amount from the defacto complainant. He would submit that the prosecution has proved his case beyond all reasonable doubts. He would further submit that on the side of the prosecution, they have examined 10 witnesses and marked 17 documents as exhibits and 5 material objects. Hence, he opposed for the grant of bail to the Appellant/Accused.

6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Appellant/Accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Appellant/Accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Special Court for Prevention of Corruption Act Cases, Villupuram.
- ii. The Appellant/Accused shall report before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

04/02/2021

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 COURT FOR
PREVENTION OF CORRUPTION ACT CASES,
VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
V AND AC, VILLUPURAM.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM

C.C. to M/S.R.POORNIMA Advocate on payment of necessary charges
Sr.1116

Order

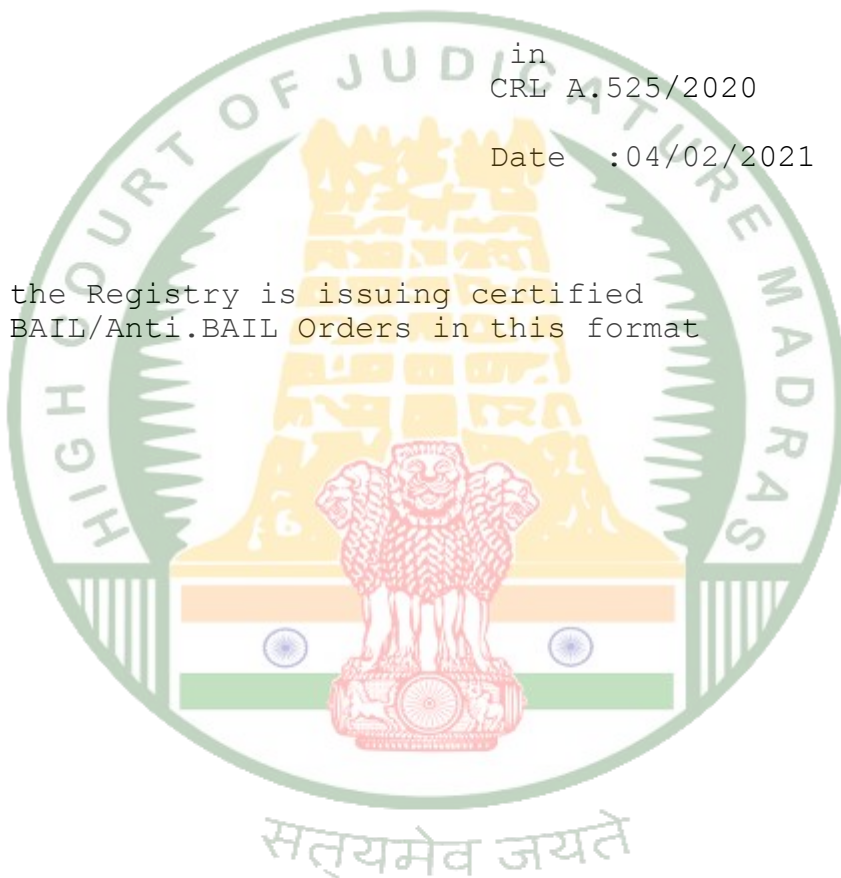
in
CRL MP.8581/2020

in
CRL A.525/2020

Date :04/02/2021

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RVR 04/02/2021



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