



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice C.V.KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10781 of 2021

IN CRL.A.No.488/2021

P.GANAPATHY

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
NAMAKKAL.

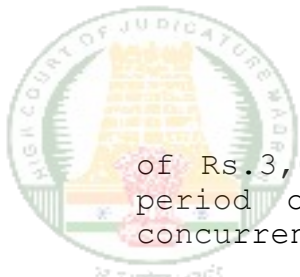
[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein the High Court will be pleased to Suspend the sentence till the disposal of the appeal by enlarging the petitioner on the bail connected in Spl.C.C.No.45 of 2011 on the file of the Hon'ble Chief Judicial Magistrate, Namakkal.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.EZHILNILAVAN, Advocate for the Petitioner and of MR.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, 30.09.2021 made in Spl.C.C.No.45/2011, by the learned Chief Judicial Magistrate, Namakkal, pending disposal of the Criminal Appeal, in and by which, the petitioner / Accused was convicted for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and for the offence punishable under Section 7 of Prevention of Corruption Act, 1988, the petitioner / accused was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of one month and for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, the petitioner / accused was sentenced to undergo five years rigorous imprisonment and to pay a fine



of Rs.3,000/-, in default to undergo simple imprisonment for a period of one month and the sentences were ordered to run concurrently.

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 Court of Chief Judicial Magistrate, Namakkal;

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.

-sd/-

25/10/2021

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 CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
NAMAKKAL.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

C.C. to M/S.P.EZHILNILAVAN Advocate on payment of necessary
charges

Order

in
CRL MP.10781/2021

in
CRL.A.488/2021

Date :25/10/2021

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INBA-25/10/2021