



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.10869 of 2021

IN CRL A.491/2021

NARASHIMMAN

[PETITIONER/APPELLANT]

Vs

STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH C.I.D,
VELLORE RANGE.
CRIME NO. 656/1991.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to enlarge the petitioner on Bail by suspending the execution of sentence and conviction order passed in Spl.Case No. 3 of 2006 on the file of the Learned Spl. Judge, Chief Judicial Magistrate, Tiruvannamalai District and enlarge the petitioner/Appellant on Bail pending disposal of the above criminal Appeal No.491 of 2021. [IN CRL.MP.No.10869/2021]

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. C.MOHANRAJ, 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:-

1.This Criminal Miscellaneous Petition has been filed by the Petitioner / A5, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 15.09.2021 made in Special Case No.3/2006, by the learned Special Judge and Chief Judicial Magistrate, Tiruvannamalai, pending disposal of the Criminal Appeal, in and by which, the petitioner / A5 was convicted for the offences under Sections 120B, 409, 467, 468, 471 and 477-A IPC and also under Section 13[1][c] and [d] of the Prevention of Corruption Act, and was sentenced as follows:-



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Convicted for the offences under Sections	Sentence Awarded
120-B	One year simple imprisonment
409 IPC	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.
467 IPC	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.
468 IPC	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.
471 IPC	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.
477-A IPC	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.
13[1][c] and [d] of the Prevention of Corruption Act	One year simple Imprisonment and to pay a fine of Rs.5000/- with a default sentence of three months simple imprisonment.

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/A5, 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/A5 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/A5 may be suspended. It is also his submission that the fine amounts 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/A5 is ordered to be enlarged on bail, on the following conditions:-

i. The Petitioner/A5 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 and Chief Judicial Magistrate, Tiruvannamalai ;

ii. The Petitioner//A5 shall report before the said Court on the first Monday of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

27/10/2021

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 AND
CHIEF JUDICIAL MAGISTRATE, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH C.I.D,
VELLORE RANGE.

+1 C.C. to M/S. R. RAJESH VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.11872

Order

in

CRL MP.10869/2021

in

CRL A.491/2021

Date :27/10/2021

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RW 28/10/2021