



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.12317 of 2021

IN

CRL.A.NO.597 of 2021

V.DURAIRAJ

[APPELLANT/2ND ACCUSED]

Vs

THE STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM
CR NO.14/AC/2005

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed in judgment dated 26/08/2021 made in Spl.C.C.No.60 of 2014 on the file of the Special Court for Trial of cases under the Prevention of Corruption Act, Salem and enlarge the petitioner on bail pending disposal of the appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of MR.J.PRITHIVI Advocate for the petitioner and of M/S. C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking suspension of substantive sentence imposed on the petitioner by judgment dated 26.08.2021 made in Spl. C.C.No.60/2014 by the learned Special Judge, Special Court for Trial of Cases under the PC Act, Salem, pending disposal of the criminal appeal and enlarge the petitioner on bail.

2. The petitioner is A2 in the above said Special Calendar Case. After full trial, the petitioner was convicted and sentenced to undergo two years of rigorous imprisonment and to pay a fine of



Rs.10,000/- for offence under Section 12 r/w 7 of The Prevention of Corruption Act, 1988 and in default of payment of fine he was directed to suffer further six months of simple imprisonment and to undergo three years of rigorous imprisonment and to pay a fine of Rs.10,000/- for offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and in default of payment of fine, he was directed to suffer further six months of simple imprisonment.

3. This court heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent/State and also perused the materials placed on record.

4. The learned counsel for the petitioner (A2) would submit that there are arguable points available in the criminal appeal and the petitioner has got a fair chance of succeeding in the criminal appeal. The learned counsel would further submit that appeal is not likely to be taken for final hearing in the near future. Therefore, the learned counsel would pray this court to suspend the substantive sentences of imprisonment imposed against the petitioner.

5. The learned counsel would further submit that A1 in the case has already been released on bail pending criminal appeal after suspending the sentence imposed on him.

6. The learned Government Advocate (Criminal Side) strongly opposed the petition for suspension of sentence.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel and the learned Government (Criminal Side), this court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

Accordingly, till the disposal of the criminal appeal, the substantive sentences of imprisonment alone are suspended and the petitioner/A2 is ordered to be enlarged on bail, on the following conditions:-

(a) the petitioner/A2 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 Special Court for Trial of Cases under the Prevention of Corruption Act, Salem;



(b) the petitioner/A2 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/-

26/11/2021

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 TRIAL OF
CASES UNDER PERVENTION OF CORRUPTION ACT,
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM

+1 C.C. to M/S.S.KAITHAMALAI KUMARAN Advocate on payment of
necessary charges 13533

Order

in
CRL MP.12317/2021

in
Crl.A.No.597/2021
Date :26/11/2021

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

APN 29/11/2021