



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

ORDER RESERVED : 02.07.2021

ORDER PRONOUNCED : 30.07.2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP(MD) No.3854 of 2021

IN

CRL A(MD) No.382 of 2020

NIYAZHKHAN @ ABDUL RAZACK

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SPE/CBI/EOW, CHENNAI.

... RESPONDENT/RESPONDENT

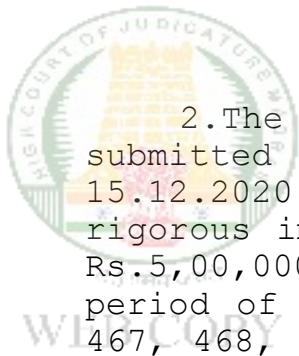
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner in C.C.NO.3 of 2006 on the file of the Learned II Additional District Judge(C.B.I., Cases), Madurai vide judgment dated 15/12/2020 and enlarge him on bail pending disposal of the CRL A(MD) No.382 of 2020.

Prayer in CRL A(MD) No.382 of 2020:

Criminal Appeal filed may be pleased to call for the records and set aside the conviction and sentence passed in C.C.No.3 of 2006 dated 15.12.2020 by the learned II Additional District Court for CBI Cases, Madurai against the appellant is concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.AK.AZAGARSAMI, Advocate for the petitioner and of Mrs.L.VICTORIA GOWRI, Assistant Solicitor General of India for CBI cases on behalf of the Respondent, the Court made the following order:-:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in C.C.No.3 of 2006 on the file of the learned II Additional District Judge, CBI Cases, Madurai, vide judgment dated 15.12.2020 and enlarge him on bail pending disposal of the appeal.



2.The learned counsel appearing for the petitioner/accused submitted that the learned trial Judge had in his judgment dated 15.12.2020 convicted and sentenced the petitioner/accused to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 120 (b) r/w 419, 467, 468, 471, 420 and 420 r/w 511 of IPC and Section 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988 and to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 419 of IPC and to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 467 of IPC and to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 468 of IPC and to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 471 of IPC and to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 420 of IPC to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,00,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 420 r/w 311 of IPC. Total fine; Rs.35,00,000/-.

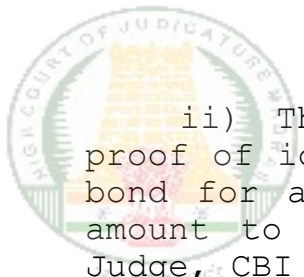
3.On perusal of the remarks received from the learned Special Judge for CBI Cases, Madurai, it is found that Rs.35,00,000/- was deposited by the petitioner/accused on 28.06.2021.

4.The point for consideration is whether the petitioner is entitled to bail pending appeal.

5.Mrs.L.Victoria Gowri, learned Assistant Solicitor General, had vehemently objected to release the petitioner/accused on bail stating that the case is of the year 2006. Since the petitioner was earlier granted bail, he was absconded and thereafter, he was secured by the police. Therefore, the learned Assistant Solicitor General submits that if the petitioner/accused is released on bail, he is likely to abscond.

6.Having paid the fine amount, the petitioner is granted bail subject to the following conditions:-

i) The petitioner shall appear before the learned II Additional District Judge, CBI Cases, Madurai on the first working day of every English Calendar month at 10.30 am., until further orders.



ii) The petitioner shall furnish his Aadhar Card and other proof of identify like Driving License, Voters ID etc and execute a bond for a sum of Rs.1,00,000/- with two sureties for a like sum amount to the satisfaction of the learned II Additional District Judge, CBI Cases, Madurai.

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iii) If the petitioner absconds, the bail granted to him will be cancelled. The petitioner/accused is warned accordingly.

sd/-

30/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE,
(C.B.I. CASES), MADURAI.
- 2 THE INSPECTOR OF POLICE
SPE/CBI/EOW, CHENNAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.3854/2021 IN

CRL A(MD) No.382 of 2020

Date :30/07/2021

MM

SRS/JC/SAR-I/30.07.2021/3P/5C