



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.7259 of 2021

IN

CRL A(MD)No.554 of 2019

R.INBARAJ

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SPE, CBI, ACB, CHENNAI
RC/MA1/ 2014/ A0050

... RESPONDENT/RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass orders modifying the conditions imposed by this Hon'ble Court in Crl.MP.(MD).No.10101 of 2019 in Crl.A.(MD)No.554 of 2019 dated 21.11.2019 pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD)No.554 of 2019:

To call for the records and to set aside the judgment passed in C.C.No.02 of 2016 dated 14.11.2019 on the file of the II Additional District Court for CBI Cases, Madurai.

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.J.SANJEY VIGNESH, Advocate for the petitioner and of M/S.L.VICTORIA GOWRI, Assistant Solicitor General on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed praying to modify the condition imposed by this Court in Crl.M.P(MD)No.10101 of 2019 in Crl.A.(MD)No.554 of 2019, dated 21.11.2019.

2. The petitioner is arrayed as accused No.3 in C.C.No.2 of 2016, on the file of the learned II Additional District Judge (CBI Cases), Madurai. After full-fledged trial, by the judgment, dated 14.11.2019, the learned II Additional District Judge (CBI Cases), Madurai came to the conclusion that the petitioner herein is guilty under Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act, 1988 and Section 120-B r/w 420 and 420 of IPC.



3. After concluded as above, the learned District Judge convicted the petitioner under Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.25,000/-, in default, to undergo simple imprisonment for six months. Similarly, for the offence under Section 120-B r/w 420 of IPC the petitioner herein was sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.15,000/-, in default, to undergo rigorous imprisonment for six months. Further, for the offence under Section 420 of IPC he was sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for six months.

4. Dissatisfying with the said findings, the petitioner has filed an appeal before this Court in CrI.A(MD)No.554 of 2019 along with application (i.e) CrI.M.P(MD)No.10101 of 2019 to suspend the sentence.

5. This Court, by order dated 21.11.2019, allowed the said application and enlarged the petitioner on bail with the condition that he should appear before the II Additional District Court for CBI Cases, Madurai on the first working day of every English Calender Month at 10.30 a.m., until further orders. In the said circumstances, the petitioner is before this Court by filing the present application, wherein, he praying to modify the said condition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.side) appearing for the respondent.

7. The submission made by the learned counsel appearing for the appellant is that after convicting the petitioner as above, he was terminated from the service and hence, the family members have been put to suffer and live in a gloomy circumstances, besides, affecting his only son's Medical Education (BDS Course) and in the above said situation, it is for the petitioner to support his son to complete his BDS Course at Indira Gandhi Institute of Dental Services, Sri Balaji Vidyapeeth University, Pondicherry, for which, the petitioner has to frequently travel with his son from Trichy to Pondicherry at the beginning of the every month and stayed with him. Hence, in the said circumstances, it would necessary to relax the condition imposed on the petitioner while at the time of enlarging on bail.

8. Per Contra, the learned Government Advocate (CrI.side) appearing for the respondent police would contend that directing the petitioner to appear before the trial Court at every month is not a onerous condition.



9. I have considered the rival submissions made by the counsels appearing on either side.

10. It is unfortunate that in paragraph-8 of the accompanying affidavit filed in support of this petition, the petitioner narrated the reason as for completing his son's studies in Pondicherry, it is necessary for him to travel along with him on the first working day of every month. This Court cannot accept such type of reason as father has to travel along with the son to attend the classes which run by the Medical Colleges. I am of the complete agreement with the submission made by the learned Government Advocate (Crl.side) appearing for the respondent that the condition imposed earlier is not an onerous one and therefore, appearing before the trial Court on the first working day of every month is not a difficult task to the petitioner. Apart from that, the petitioner is convicted under the provision of the Anti Corruption Act and the same has to be dealt with great cautious. Therefore, considering the nature of the offence committed by the petitioner, I am of the view that the reason stated in the petition is nothing but lie invented for the purpose of seeking modification and accordingly, this Court is not inclined to modify the conditions imposed in Crl.M.P(MD)No.10101 of 2019 in Crl.A(MD)No.554 of 2019, dated 21.11.2019.

11. In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-

07/10/2021

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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,
FOR CBI CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
SPE, CBI, ACB, CHENNAI.
RC/MA1/ 2014/ A0050.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL MP(MD) No.7259 of 2021
IN
CRL A(MD)No.554 of 2019
Date :07/10/2021

SA/SKN/SAR.1/18.10.2021/3P/4C