



Crl.M.P.No.8125 of 2020 in Crl.A.No.510 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8125 of 2020 in
Crl.A.No.510 of 2020

S.Jeyakumar

... Petitioner

Versus

State rep.by Inspector of Police,
Economic Offences Wing II,
Coimbatore.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 374 (2) of the Code of Criminal Procedure to release the petitioner on bail by suspending the sentence appealed against in C.C.No.21 of 2014 Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore, pending disposal of the above appeal.

For Petitioner : Mr.G.Murugendran
Mr.K.Shivakumar
Legal Aid Counsel

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition is filed to release the petitioner on bail by suspending the sentence appealed against in C.C.No.21 of 2014, Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore, pending disposal of the above appeal.



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2.The learned counsel for the petitioner prays for suspension of sentence which includes the payment of fine to the tune of Rs.50,00,000/- as well as the substantive sentence of imprisonment. He further submitted that already the petitioner is in prison from 07.09.2020 and submits that he has no objection for selling the property attached.

3.The said property belonging to the petitioner S.Jeyakumar is located in Manoorpalayam village, in S.No.771/1A ad measuring 0.79.35 hectares, which is attached by G.O.Ms.No.227, dated 14.03.2017 and by the order passed in O.A.Nos.30 of 2015 and 16 of 2017, the attachment of the property has already been made absolute and the competent authority has been permitted to sell the property by way of a public auction. As a matter of fact, the property was notified for public auction on 03.03.2022. Now, the petitioner does not have any objection whatsoever in the said property being sold and the sale proceeds being distributed to the victims pending disposal of this appeal. It is also recorded that the petitioner has no grievance over the competent authority fixing the minimum value of the property at Rs.11,79,910/-.



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4.In that view of the matter, I am of the view that this is a fit case for suspension of sentence for the petitioner pending disposal of the appeal on the following conditions:

(a) the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.



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(d) After being enlarged on bail, within a period of one week, the petitioner shall also file an affidavit categorically indicating that the petitioner has no objection for the sale of the above mentioned property and the petitioner will not in any manner hamper or interfere with the process of sale and disbursal of the amount to the victims. In view thereof, the competent authority is also directed to forthwith take steps to sell the property by way of public auction and upon realising the amount, the amount shall be distributed on pro-rata basis to the victims without any formal application to this Court or the Trial Court and file compliance report within eight weeks from today.

5. This Criminal Miscellaneous Petition is ordered accordingly.

11.08.2022
(2/2)

Index : Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
sli



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To

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- 1.The Inspector of Police,
Economic Offences Wing II,
Coimbatore.
- 2.The Superintendent, Central Prison,
Coimbatore.
- 3.The Special Court under the Tamil Nadu
Protection of Interests of Depositors Act Cases,
Coimbatore,
- 4.The Public Prosecutor, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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