



Crl.M.P.No.12108 of 2021
in Crl.A.No.585 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.12108 of 2021 in Crl.A.No.585 of 2021

K.Sekar

... Petitioner

Versus

State rep. by,
Deputy Superintendent of Police,
EOW - II,
Erode District.
(Crime No.1068 of 2012)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to enlarge the petitioner on bail by suspending the sentence imposed in C.C.No.23 of 2013, dated 06.10.2021 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore pending disposal of Criminal Appeal on the file of the Court.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

This Criminal Miscellaneous Petition is enlarge the petitioner on bail by suspending the sentence imposed in C.C.No.23 of 2013, dated 06.10.2021 on the file of the Special Judge, Special Court under TNPID Act, Coimbatore pending disposal of Criminal Appeal on the file of the Court.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. The learned Counsel for the petitioner, seeks suspension of sentence both in respect of the substantive sentence of imprisonment as well as the payment of fine. It is his submission that the total fine amount imposed in this case is Rs.76,00,000/-. He would submit that there are totally four accused in this case and accordingly, in respect of the corporate entity as well as the individual, 50% of the fine amount has to be paid by this petitioner. Considering the total fine amount to be paid by the petitioner is Rs.38,00,000/-, the petitioner offers to pay a total sum of Rs.15,00,000/- for the present. Out of the said amount, the learned Counsel states that a sum of Rs.7,50,000/- will be said upfront before the release of the petitioner and a sum of Rs.7,50,000/- will



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be paid within a period of three months from the date of release.

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4. The learned Government Advocate (Crl. side) would submit that in this case, the offence arises out of the T.N.P.I.D. Act and the amounts have to be realised from the accused and the victims are awaiting the payment.

5. I have considered the rival submissions made on behalf of either side and perused the material records of this case. In view of the undertaking given by the learned Counsel for the petitioner regarding the deposit of the amount, I am of the view that this is a fit case for grant of suspension of sentence, pending the Criminal Appeal, to the petitioner herein and therefore, the petitioner's sentence, including the sentence of imprisonment and sentence of fine amount, is suspended on the following conditions:-

(a) The petitioner is ordered to be released on bail, upon deposit of a sum of Rs.7,50,000/- to the credit of C.C.No.23 of 2013 and on his 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 Judge may obtain a copy



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of their Aadhar Cards or Bank Pass books to ensure their identities;

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(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 he is not able to appear before the Trial Court on any day, he 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;

(d) After petitioner being released on bail, within three months from the date of his release, the petitioner shall deposit another sum of Rs.7,50,000/- to the credit of C.C.No.23 of 2013;

(e)The undertaking of the learned Counsel for the petitioner that the petitioner will have no objection for disbursal of the sum deposited to the victim on pro rata basis is recorded. However, the petitioner is also directed to file an affidavit, indicating his no objection, before this Court within three days from coming out of the prison;

(f) Upon the petitioner depositing the total sum of Rs.15,00,000/-, the Competent Authority shall make a formal application under Section 4 (5) of the Act and since the petitioner has no objection, the Trial Court shall formally order the same and make out the cheques on pro rata basis for the affected



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victims, along with the sum of Rs.4,00,000/- lying with the competent authority;

(g) The competent authority shall also take such other steps for bringing the attached property for sale and to expedite the realization of amount.

6. This Criminal Miscellaneous Petition is ordered accordingly.

08.08.2022

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order
grs

To

1. The Special Judge, Special Court under TNPID Act,
Coimbatore.
2. The Public Prosecutor,
High Court of Madras.
3. The Deputy Superintendent of Police,
EOW - II,
Erode District..
4. The Superintendent,
Central Prison,
Coimbatore.



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D.BHARATHA CHAKRAVARTHY. J.,

grs

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