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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.M.P.No.6837 of 2023

in

Crl.A.No.549 of 2023

Mandala Murali Krishna

... Petitioner

Vs.

State rep. by
The Inspector of Police,
NIB CID,
Chennai,
(Cr.No.8 of 2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 381(1) of Cr.PC to suspend the sentence of imprisonment imposed on the petitioner in CC No.108 of 2019 on the file of the Principal Special Judge, Special Court under EC and NDPS Act cases, at Chennai and enlarge the petitioner's on bail pending Criminal Appeal.

For Petitioner : Mr.T.S.Srinivasan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence of imprisonment imposed by the Principal Special Judge, Special Court under EC and NDPS Act cases, at Chennai made in CC No.108 of 2019 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner was convicted for an offence under Section 8 (c) r/w.20(b) (ii) (B) of the NDPS Act and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.50,000/- in default to undergo further period of six months RI in CC No.108 of 2019. Against which, the petitioner filed an appeal along with a petition for Suspension of sentence in Crl MP No.6837 of 2023 before this Court and this Court vide order dated 02.06.2023, had granted interim suspension of sentence for a period of three months with certain conditions. One of such condition is that the petitioner has to pay the fine amount of Rs.50,000/- to the credit of CC No.108 of 2019 within a period of three months and posted the case after three months.

3. When the matter is taken up for hearing today, the learned counsel for



the petitioner submitted that the petitioner had deposited the fine amount of Rs.50,000/- on 16.11.2023 and he had also produced the payment receipt to that effect. The learned counsel further submitted that since the petitioner had complied with all the conditions, had sought for regular bail.

4. It is seen from records that this Court had earlier granted an interim bail on the ground that the nature of quantity involved is only an intermediate quantity and there is no previous case pending against the petitioner and the said fact has also been confirmed by the learned Additional Public Prosecutor and earlier this Court had granted interim bail for three months with a condition to pay the fine amount of Rs.50,000/- by then. In this case, fine amount now paid on 16.11.2023 but after three months, after complying the previous condition prays for bail. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail, on the following conditions:-

- (i) The petitioner shall execute 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.



(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhaar card or Bank Pass Book to ensure their identity. And

(iii) 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 appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 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.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

20.12.2023

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M.NIRMAL KUMAR.,J

rka

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