



Crl.M.P.No.7622 of 2024

in

Crl.A.No. 911 of 2023

K. KUMARESH BABU, J

This Criminal Miscellaneous Petition has been filed by the petitioner seeking suspension of sentence of imprisonment imposed by the learned Special Judge, Special Court under TNPID Act, Coimbatore, by judgment dated 12.07.2022 made in C.C.No. 2 of 2014 and enlarge the petitioner/A8 on bail pending disposal of the above appeal.

2. By the said judgment, the petitioner/A8 was convicted for the offences under Sections 120B, read with Section 420 IPC and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo one and half years rigorous imprisonment for each counts and to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/- for each counts for the offences under Section 420 IPC in default of payment of fine to undergo further one and half years rigorous imprisonment for each counts and to undergo three years rigorous imprisonment and to pay fine of Rs.10,000/- for each counts under Section 406 IPC, in default of payment of fine to



undergo further nine months rigorous imprisonment for each counts and to undergo ten years rigorous imprisonment and to pay fine of Rs.10,000/- for each counts under Section 5 of the TNPID Act, 1997, in default of payment of fine to undergo further two years rigorous imprisonment for each counts and the trial Court ordered the sentences imposed on the petitioner/A8 to run concurrently. Against which, the present appeal is filed along with suspension of sentence.

3. The learned Counsel for the appellant would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide any condition imposed by this Court.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent raised serious objection for allowing the petition. Further, he would submit that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond



reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned Counsel for the appellant and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for the parties, this Court is of the view that the sentences of imprisonment imposed on the petitioner/A8, shall be suspended and the petitioner be granted bail. Accordingly, pending disposal of the Criminal Appeal, the substantive sentences of imprisonment alone are suspended and the petitioner/A8 shall be enlarged on bail 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 learned Special Judge, Special Court under TNPID Act, Coimbatore, and on further condition;

(i) The petitioner shall appear before the said Special Judge, Special Court under TNPID Act, Coimbatore, on every Monday at 10.30 a.m. until further orders.



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(ii) The petitioner shall deposit a sum of **Rs.15,00,000/- (Rupees Fifteen Lakh Only)** to the credit of C.C.No. 2 of 2014 on the file of Special Judge, Special Court under TNPID Act, Coimbatore, immediately.

(iii) Further, the petitioner is directed to deposit the balance amount of **Rs.8,00,000/- (Rupees Eight Lakh Only)** to the credit of C.C.No. 2 of 2014 within a period of six weeks from the date of released on bail, failing which the above said payments, this petition shall stand dismissed automatically.

(iv) All the deposited amounts by the petitioner/A8 shall be kept in C.C.No. 2 of 2014 till the disposal of the Criminal Appeal.

08.05.2024

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