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CRL.M.P.No.17955 of 2024
in CrI.A.No.1595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.17955 of 2024
in CrI.A.No.1595 of 2024

M.G.Thulukkanam

... Petitioner

Vs.

Central Bureau of Investigation
Rep. by its Deputy Superintendent of Police
CBI/SCB/Chennai

... Respondent

Prayer: The miscellaneous petition is filed U/s.430 (1) of BNSS Act, 2023, to suspend the sentence imposed by the learned XI Additional Special Court for C.B.I Cases, Chennai dated 24.10.2024 in C.C.No.4 of 2011 and enlarge the petitioner on bail.

For Petitioner : Mr.Sharath Chandran

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (C.B.I)

ORDER

The petitioner herein is A4 in C.C.No.04 of 2011, on the file of XI



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Additional Special Court for CBI Cases, Chennai. He has been convicted and sentenced for the charges, the details of which are provided in the table below :

<i>Case No.</i>	<i>Charges framed</i>	<i>Sentence imposed</i>
C.C.No.04/2011	U/s.120B r/w. 420, 467, 468, 471 r/w 467 and 476 IPC and U/s.13(1)(d) r/w 13(2) of P.C Act 1988	3 years R.I. along with a fine of Rs.5,000/-, in default to undergo 6 months S.I.
	U/s.420 and 471 r/w. 467 IPC (2 counts)	2 years R.I. on each count of every section (4x2=8) along with a fine of Rs.2,000/- on each count of every section (4x Rs.2,000/- = Rs.8,000/-) in default, to undergo 6 months S.I. on each count of each section.
	U/s.13(1)(d) r/w. 13(2) P.C. Act 1988 (2 counts)	2 years R.I. on each count of every Section (2 x 2=4) along with a fine of Rs.2,000/- on each count of every Section (2 x 2000 = Rs.4,000/-) , in default to undergo 6 months S.I.

Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for petitioner submits that the trial Court has suspended the sentence imposed on the petitioner temporarily. The learned counsel further submits that there are several infirmities and



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inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3.Heard Mr.K.Srinivasan, the learned Special Public Prosecutor (C.B.I) and the learned counsel appearing for the petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by the learned counsel for petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions:-



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- a) The petitioner / accused is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the XI Additional Special Court for C.B.I. Cases, Chennai.
- b) The petitioner/ accused and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The petitioner / accused shall appear before the trial Court on the first working day of every English calender 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 any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court or any other day in lieu of his absence, as directed by the trial Court. Such an application shall not be entertained often; and
- d) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

18.12.2024
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Note: Issue order copy on 19.12.2024



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N.SESHASAYEE, J.

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