



CRL.M.P.No.95 of 2025
in CrI.A.No.12 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2025

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MR.JUSTICE N.SESHASAYEE

CRL.M.P.No.95 of 2025
in CrI.A.No.12 of 2025

S.Dayalan

... Petitioner

Vs.

State of Tamilnadu
The Deputy Superintendent of Police
Vigilance and Anti-Corruption
Chennai City-I
Chennai-28
(Cr. No.5/AC/2005/CC-I)

... Respondent

Prayer: The miscellaneous petition is filed U/s.430 (1) of BNSS Act, 2023, to suspend the sentence awarded in the judgment dated 04.01.2025 made in C.C.No.129 of 2011 on the file of the learned Special Judge for trial of cases under Prevention of Corruption Act at Chennai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Karthikeyan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI. Side)
ORDER



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The Petitioner / appellant was convicted for the offences U/s.7 and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, and sentenced to undergo four (4) years R.I. and to pay a fine of Rs.50,000/- in default to undergo three (3) months S.I. for offence U/s.7 of the Prevention of Corruption Act, 1988, and sentenced to undergo five (5) years R.I. and to pay a fine of Rs.50,000/- and in default to undergo three (3) months S.I. for offences U/s.13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, by the learned Special Judge for trial of cases under Prevention of Corruption Act at Chennai under judgment in C.C.No.129 of 2011 dated 04.01.2025. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for petitioner submits that the petitioner is confined in Central Prison, Puzhal, Chennai. The learned counsel further submits that there are several infirmities and 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.M.D.Muhilan, the learned Government Advocate (Crl. Side) and the learned counsel appearing for the petitioner.



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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:-

- 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 learned Special Judge for trial of cases under Prevention of Corruption Act at Chennai.

N.SESHASAYEE, J.

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- b) The petitioner/ accused and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the



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Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

- c) The petitioner / accused shall appear once in every three (3) months before the trial Court on the first working day of English calendar month at 10.30 a.m. until the disposal of the Appeal.
- 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.

07.01.2025
(2/2)

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Note: Issue order copy on 07.01.2025

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