



WEB COPY

CRL MP NO. 266 OF 2
in CRL A No. 16 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 266 OF 2026

in

CRL A No. 16 of 2026

M.Kalaiarasan
S/o.M.Masilamani,
Pallakupam, Gudiyatham Taluk,
Vellore District.

Petitioner/A1

Vs

The state rep. by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore.
(Crime No.21 of 2013)

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023 praying to suspend the sentence imposed in Spl.C.C.No.22 of 2025 passed by the learned Special Judge/Principal Sessions Judge, Vellore dated 19.12.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.R.Vivekananthan

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



ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in Spl.C.C.No.22 of 2025 passed by the learned Special Judge/Principal Sessions Judge, Vellore dated 19.12.2025 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

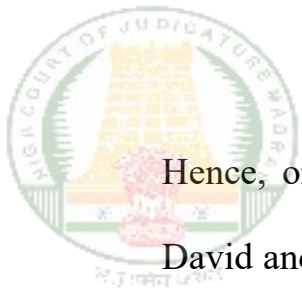
2.The petitioner/A1 in Spl.C.C.No.22 of 2025 was convicted by the Trial Court by the judgment dated 19.12.2025 for the offences under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 (in short 'PC Act') and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 7 of PC Act and for the offence under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment. The sentences are directed to be run concurrently. Aggrieved by the said conviction, the petitioner filed Crl.A.No.16 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The contention of the learned counsel for petitioner is that the petitioner was employed as Physical Education Teacher at Government Boys High School,



Pallalakuppam, Gudiyatham Taluk, Vellore District. The de facto complainant is a teacher, employed in Government Girls Higher Secondary School, Nellorepet, Gudiyatham, who was transferred to Government Girls Higher Secondary School, Veppanapalli, Krishnagiri District. The case projected against the petitioner is that the petitioner demanded bribe amount of Rs.3,00,000/- to cancel the transfer order of de facto complainant and the amount to be paid in parts. When the petitioner went to the house of the de facto complainant, a sum of Rs.1,00,000/- is said to have been received by the petitioner as bribe.

4.The learned counsel further submitted that the cancellation of the transfer order is with the Chief Educational Officer, Vellore, who was arrayed as A2 in the F.I.R. and charges framed against him. When the trial was in progress, A2 filed quash petition before this Court and this Court by the order dated 21.04.2017 in CrI.O.P.No.5082 of 2017 quashed the proceedings against A2. After the quashing, the thrust of the prosecution case has been taken away. The prosecution failed to file any appeal to set aside the anomaly, on the other hand proceeded with the trial. The trial Court also not considered the same. In this case, there was no demand or acceptance by the petitioner. Further the petitioner is not the authority to cancel the transfer order. The de facto complainant is also doing money lending business. One David, Driver had sought for a loan from the de facto complainant. The said David was introduced by the petitioner.



Hence, on the date of alleged occurrence, the petitioner went along with the David and David received the money which was projected as bribe amount. The said David examined as DW1 and Exs.D1 to D7 marked to prove that the de facto complainant was doing money lending business. These factors not considered by the trial Court and the petitioner probalised his defence, despite the same, the trial Court convicted the petitioner. He further submitted that the trial Court already suspended the sentence of the petitioner till 19.01.2026. Hence, he prayed for granting suspension of sentence to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that during trial, on the side of the prosecution, PW1 to PW11 examined and Exs.P1 to P11 marked and material objects M.O.1 to M.O.3 produced. On the side of the defence, one David examined as DW1 and Exs.D1 to D6 marked. He further submitted that the prosecution examined the de facto complainant/PW1 and the shadow witness/PW3. Both PW1 and PW3 categorically deposed about the demand and acceptance. The phenolphthalein test confirmed the same. The Trial Court on the evidence of witnesses and the materials produced had rightly convicted the petitioner. He further submitted that the trial Court already suspended the sentence of the petitioner.



6.Considering the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and the sentence of imprisonment imposed on the petitioner already suspended by the trial Court till 19.01.2026, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and he is ordered to be enlarged on bail, on condition that he shall execute 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 trial Court.

8.Further, the petitioner shall appear before the Trial Court once in six months on the first working day 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 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.



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M. NIRMAL KUMAR, J.

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9. Accordingly, the Criminal Miscellaneous Petition is ordered.

08.01.2026
(2/2)

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To

1. The Special Judge/Principal Sessions Judge,
Vellore.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore.
3. The Public Prosecutor
High Court, Madras.

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