



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 1827 of 2026

in

Crl.A.No.122 of 2026

M.Sankar
S/o.Mr.M.Manjini,
Depot Manager,
O/o The Chennai Metropolitan Water Supplies
and Sewerage Board,
Area-10, Depot-140,I/c. Depot-142,
Chennai-600015.

Residence.-
No.67/30, St.Marys Road,
Mandaveli, Chennai-600 028.

..Petitioner(s)

Vs

State rep.by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-I, Chennai-16.

..Respondent(s)

PRAYER: This criminal miscellaneous petition filed under Section 430 (2) r/w Sec. 483 (1) of BNSS to suspend the sentence imposed on the Petitioner/Appellant in CC.No.4 of 2018 by the learned Special Court for the cases under Prevention of Corruption Act, at Chennai-104 vide Judgement dated 30.01.2026 and enlarge the Petitioner/appellant on bail pending disposal of the Criminal Appeal and pass such further or other orders as this Honble Court.



For Petitioner(s):

Mr.M.Palanivel

For Respondent(s):

Mr.S.Udayakumar
Govt. Advocate (Crl.Side)

ORDER

This criminal miscellaneous petition has been filed to suspend the sentence imposed on the Petitioner/Appellant in CC.No.4 of 2018 by the learned Special Court for the cases under Prevention of Corruption Act, at Chennai-104 vide Judgement dated 30.01.2026 and enlarge the Petitioner/appellant on bail pending disposal of the Criminal Appeal.

2.The Petitioner/accused in C.C.No.4 of 2018 was convicted by the Trial Court by judgment dated 30.01.2026 for the offence under Section 7 of prevention of Corruption Act, 1988 and sentencing to undergo rigorous imprisonment for three years and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for 3 months and further convicting the petitioner/appellant under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and sentencing to undergo rigorous imprisonment for four years and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for three months.



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3. The contention of the learned counsel for the petitioner is that the trial Court failed to consider vital contradictions between the de facto complainant and the accompanying witness. Even the scene of occurrence has not been properly stated. According to rough sketch Ex.P6, the scene of occurrence has only ground floor but other witnesses of the Metro Water confirmed that the building consists of ground floor and first floor. The case projected as though only one entrance but TLO admits that there are two entrance. Further, the Metro water officials evidence is that there are three entrances. Whether the presence of the decoy as well as accompanying witnesses itself becomes doubtful. The scene of occurrence has been shifted. Further on the date of demand and date of trap, the attendance register of the office would confirm that the petitioner not signed the attendance on that day. Whether he was present on that day in the office is highly doubtful. Further, one A.E., Aanand present in the office on the day of trap, but not examined in this case as witness. He further submitted that in this case, the demand is projected as though the petitioner made a phone call and demanded bribe amount, for this purpose, MO6 produced. He further submitted that 65 (b) certificate in this case issued by TLO, which is not proper, who had not downloaded the electronic evidence further from which mobile data recorded and whether the mobile was in exclusive use of which person not specified. Hence, the foundational fact of the



case gets demolished. The entire case foisted against the petitioner. The trial Court convicted the petitioner and he is in prison from 30.01.2026. Hence, he prayed for suspension of sentence.

4. The learned Govt. Advocate (Crl.Side) for the respondent submitted that the de facto complainant approached the petitioner for water connection for his house, which has two floors, ground floor is used for commercial purpose. The de facto complainant has got water connection for his house from Metro water till January 2016. On 30.04.2016, the petitioner called the de facto complainant over phone and informed that water meter to be fixed in the house of the de facto complainant and water charges to be collected depending upon the usage, whether it is for commercial or residential purpose. At that time, the petitioner demanded bribe amount of Rs.6,000/- to fix the meter and collect charges the de facto complainant is using the premises for residential uses. The demand was reduced to Rs.4,000/- later, the voice recording of the demand submitted by the de facto complainant. PW7 TLO confirm the same. Thereafter, on 04.05.2016 trap laid. The petitioner found demanding and accepting the bribe amount, phenolphthalein test confirm the same. Thereafter, collecting materials, examining witnesses and getting sanction, charge sheet filed before the trial Court.



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5. During trial, PW1 to PW8 examined and Ex.P1 to P20 marked and MO1 to MO6 produced. On the side of the defence, he had examined DW1 and DW2, the officials from metro water and marked Ex.D1. The trial Court, considering all these facts and materials, finding demand, acceptance proved and trap amount recovered from the appellant, rightly convicted.

6. Considering the submissions and on perusal of the materials, it is seen it is a trap case. The petitioner raised substantial grounds in this appeal, which needs reconsideration further. The petitioner is in prison from 30.01.2026 and there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing. 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 the petitioner 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.



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8. Further, the petitioner shall appear before the Trial Court once in six months at 10.30 a.m. on the first working day of the month, 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.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Special Court for the cases under Prevention of Corruption Act,
Chennai-104.

2. The Central Prison, Puzhal.

3. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-I, Chennai-16.

4. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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