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Crl.M.P. No. 20665 of 2025
in
Crl.A. No. 1697 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P. No. 20665 of 2025
in
Crl.A. No. 1697 of 2025

M. Manikandan

..Petitioner

Vs.

State rep. by
The Deputy Superintendent of Police,
Economic Offences Wing-II, Tiruppur.
(Crime No. 5 of 2012)

..Respondent

PRAYER in Crl.M.P.No.20665 of 2025: Criminal Miscellaneous Petition filed under Section 448 of BNSS, praying to suspend the sentence imposed on the petitioner by judgment dated 14.07.2025 passed in C.C. No. 2 of 2013 by the learned Special Judge, Special Court under TNPID Act, Coimbatore and enlarge the petitioner on bail till the disposal of the above criminal appeal.

For Petitioner

::

Mr.D.Ilayaraj



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For Respondent :: Mr.S. Balaji,
Govt. Advocate (Crl.Side)

O R D E R

The petitioner/A-2 has preferred the above criminal appeal challenging the judgment dated 14.07.2025 passed in C.C. No. 2 of 2013 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, by which the petitioner was convicted and sentenced as hereunder:

Section of Offence

Sentenced Imposed

Section 420 IPC

Sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.25,000/- for each count (Rs.25,000 x 113 counts (105 depositors) = Rs.28,25,000/-), in default to undergo rigorous imprisonment for 1 ½ years.

Section 406 IPC

Sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.25,000/- for each count (Rs.25,000 x 113 counts (105 depositors) = Rs.28,25,000/-), in default, to undergo rigorous imprisonment for 9 months.

Section 5 of TNPID Act, 1997

Sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.25,000/- for each count



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(Rs.25,000 x 113 counts (105
depositors) = Rs.28,25,000/-), in
default, to undergo rigorous
imprisonment for 2 years.

2. The instant petition has been filed to suspend the sentence imposed on the petitioner and enlarge him on bail.

3. It is the case of the prosecution that the petitioner was running a proprietary concern by name ' M/s.Santhiya Poultry Farms' ; that he along with his father, originally arrayed as A3, and an associate A-4, floated investment schemes promising exorbitant monthly interests to lure gullible investors; that thereafter, failed to return the deposits collected from 105 depositors, totalling to Rs. 1,32,60,500/- and thus committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that A3 died pending trial and A4 was acquitted by the Trial Court; that the property of A3 was earlier attached by the competent Court and it was sold for a sum of Rs. 42,99,565/- which is held by DRO; that a property valued at



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Rs.23,79,889/- belonging to one Mrs. Kamalamani, has been attached; that therefore, considering the fact that a fixed sentence of imprisonment has been imposed and that the petitioner has raised substantial grounds in the appeal, prayed for suspension of sentence.

5. The learned counsel for the petitioner has also produced an affidavit of the petitioner dated 16.02.2026 in which the petitioner has expressed his willingness to deposit a sum of Rs.15 lakhs to show his bona fides.

6. Learned Government Advocate (Crl.Side), per contra, submitted that out of 105 depositors, 45 depositors have been settled and a principal of Rs.79,25,000/- is payable to 60 depositors. He would also confirm that the property of A3 was sold and Rs.42,99,565/- is held by DRO. He would further state that the property of one Mrs.Kamalamani has been attached and the proceedings are pending before the Special Court for confirmation of attachment.



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7. A status report has been filed by the Deputy Superintendent Police, Economic Offences Wing, Tiruppur, confirming the above facts. According to the status report, the petitioner is liable to pay Rs.18 lakhs towards principal alone.

8. Considering all the above facts and the fact that the petitioner is willing to deposit Rs.15 lakhs and since fixed sentence of imprisonment has been imposed by the Trial Court and the petitioner has raised substantial grounds in the appeal, this Court is inclined to suspend the sentence imposed on the petitioner, pending disposal of the appeal, subject to the following conditions:

(i) The petitioner shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the credit of C.C. No. 2 of 2013 on the file of learned Special Judge, Special Court under TNPID Act, Coimbatore;



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(ii) On such deposit being made, the petitioner shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a likesum to the satisfaction of learned Special Judge, Special Court under TNPID Act, Coimbatore;

(iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iv) The petitioner shall appear before the Trial Court on the first working day of every 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, 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. It is seen that a sum of Rs.42,99,565/- is available with the DRO. On deposit of Rs.15 lakhs being made by the petitioner, the DRO



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concerned may distribute the funds available with him to the 60 depositors
on pro-rata basis.

10. The criminal miscellaneous petition is ordered
accordingly.

26.02.2026

nv

To

1. The Special Judge,
Special Court under TNPID Cases,
Coimbatore.
2. The Superintendent,
Central Prison, Coimbatore.
3. The Deputy Superintendent of Police,
Economic Offences Wing-II, Tiruppur.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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