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CRL MP(MD). No.175 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06/01/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

**CRL MP(MD). No.175 of 2026
in
CRL A(MD)No.17 of 2026**

Thangavel

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
SpE.CBI.ACB, Chennai.
RC.Ma1 2010 (A) 0008.

... Respondent

PRAYER :- To suspend the sentence imposed against the petitioner in CC No.9/2012 dated 24.12.2025 on the file of the II Additional District Judge for CBI Cases, Madurai and enlarge them on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.M.Subash Babu
For M/s.Subash Law Office,

For Respondent : Mr.C.Muthu Saravanan
Special Public Prosecutor for CBI Cases



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned II Additional District Judge for CBI Cases, Madurai, in C.C.No.9 of 2012 dated 24.12.2025, and enlarge the petitioner on bail pending the disposal of the appeal.

2. The case of the prosecution is that the personal particulars form of A18, Manikandan, was sent to the District Police Authority by default, as A18 initially applied for an ordinary passport and subsequently converted it to a Thakkal passport. The application was forwarded to the petitioner for verification. The petitioner misused his official position and submitted a verification report dated 05.11.2009 stating that he had verified the particulars of A18 and certified that the applicant has been residing at the given address for the period of two years, without verifying the said address. Hence, the complaint.

3. Before the trial court, on the side of the prosecution, 35 witnesses were examined as P.W.1 to P.W.35 and 133 documents were marked as Ex.P.1 to Ex.P.133. One material object was marked as



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M.O.1. On the side of the accused, neither witness was examined nor document was marked.

4. The learned II Additional District Judge for CBI Cases, Madurai, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 24.12.2025, convicting the petitioner as follows:

S.No.	Offence	Sentence
1	Section 120B r/w 420 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
2	Section 120B r/w 468 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
3	Section 120B r/w 471 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
4	Section 120B IPC r/w 13(2) r/w 13(1)(d) of Prevention of Corruption Act	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
5	Section 420 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
6	Section 468 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
7	Section 471 IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
8	13(2) r/w 13(1)(d) of Prevention of Corruption Act	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I



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5. Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several incongruities in the prosecution case and further there are contradictions in material particulars in the evidences of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

7. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed the grant of suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



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9. The learned counsel appearing for the petitioner pointed out the incongruities, inconsistencies and contradictions in material particulars in the prosecution's case, which establish that there are certain arguable points in the criminal appeal. However, the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is of the considered view that the petitioner herein is entitled for the relief of suspension of sentence.

10. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the II Additional District Court for CBI Cases, Madurai.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders 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 of Cr.P.C (355 of BNSS) 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.

06.01.2026

TO

1.The Inspector of Police,
SPE.CBI.ACB, Chennai.

2.The II Additional District Judge for CBI Cases,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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