



Crl.M.P.(MD)No.6696 of 2026

in Crl.A.(MD)No.377 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6696 of 2026

in Crl.A.(MD)No.377 of 2026

Nagarajan

... Petitioner

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vigilance & Anti-Corruption Wing,
Sivagangai.

... Respondent

Petition filed under Section 430(2) of BNSS 2023, to suspend the sentence of imprisonment imposed by the learned Special Court for Trial of cases under Prevention of Corruption Act, Sivagangai, in Spl.C.C.No.22 of 2014 by Judgment dated 27.02.2026 and enlarge the petitioner/accused on bail.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in Crime No.1 of 2006 on the file of the respondent Police. The petitioner, Village Administrative Officer, was arrested by the Vigilance and Anti-Corruption Department on trap, while he received a sum of Rs.1,000/- for issuing patta. He was tried before the learned Special Judge, Special Court for trial of Cases under Prevention of Corruption Act, Sivagangai, in Spl.C.C.No.22 of 2014 for the offence under Sections 7 and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988. After the trial, the trial Court, by its Judgment dated 27.02.2026, found the petitioner guilty and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	7 of PC Act	3 years rigorous imprisonment	Rs.5,000/-	3 months simple imprisonment
2.	13(2) r/w. 13(1)(d) of PC Act	3 years rigorous imprisonment	Rs.5,000/-	3 months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.377 of 2026. Along with the appeal, the petitioner has also moved this petition to suspend the sentence imposed on



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him by the trial Court.

2. When this petition was taken up for considering on 07.04.2026, it was reported that the trial Court, by its Judgment dated 27.02.2026, suspended the sentence for a period of one month enabling the petitioner to move an appeal before this Court. However, the petitioner, after the expiry of the said period, failed to surrender before the Court. Therefore, this Court was not inclined to entertain this petition and when this Court was about to dismiss this petition, the learned Senior Counsel appearing for the petitioner sought some indulgence that he would advise the petitioner to surrender before the Court and thereafter, move this petition.

3. Today, when this petition is taken up for consideration, the learned Senior Counsel appearing for the petitioner submits that the petitioner has surrendered before the Court on 08.04.2026 and now, he is in jail.

4. The learned Senior Counsel has also raised the following arguable points:

(i) the alleged demand made on 12.08.2006 and 14.08.2006 are not



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proved by the prosecution witnesses, as the evidence of P.W.2 and P.W.7, who are the witnesses for the demand are highly contrary to each other.

(ii) the defacto complainant was having grudge over the petitioner for refusing to receive the tax.

(iii) after phenolphthalein demonstration procedure, the tainted money was not given to the defacto complainant, which creates doubt as to how the tainted money was given by the defacto complainant to the petitioner. Therefore, the acceptance of the tainted money was not proved by the prosecution.

(iv) the trap proceedings, preparation of mahazars, witness presence, phenolphthalein test, recovery of money and seizure of documents were not proved by the prosecution in the manner known to law.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

5. The petitioner has raised certain arguable points in the appeal. However, the appeal could not be taken up for final disposal for want of time. Further, the trial Court has already suspended the sentence for a period of one



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month. Now, the petitioner has surrendered before the trial Court on 08.04.2026 and he is in jail.

6. Considering the points raised by the petitioner and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall report before the respondent Police daily at



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10.30 a.m. until further orders.

(iv) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

10.04.2026

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Note: Issue order copy today.

To

1. The Special Court for Trial of Cases
under Prevention of Corruption Act,
Sivagangai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Vigilance & Anti-Corruption Wing,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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