

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 625 OF 2015
WITH
CRIMINAL APPLICATION NO. 626 OF 2015
IN
CRIMINAL APPEAL NO. 592 OF 2015

Mr. Y. Jitendra .. Applicant/Appellant

Versus

CBI (BS & FC) & Anr. .. Respondents

WITH
CRIMINAL APPLICATION NO. 627 OF 2015
WITH
CRIMINAL APPLICATION NO. 628 OF 2015
IN
CRIMINAL APPEAL NO. 593 OF 2015

Mr. Ramesh Ranmal Jain .. Applicant/Appellant

Versus

CBI, ACB & Anr. .. Respondents

WITH
CRIMINAL APPLICATION NO. 645 OF 2015
IN
CRIMINAL APPEAL NO. 608 OF 2015

K. Jayaprakash Shetty .. Applicant/Appellant

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. P. Janardhan a/w E.B. Dixit, Rishi Bhuta i/b Yadav P.R.,
Advocate for the applicant in APPA 625/15 & 626/15

Mr. Prakash Naik, Sr. Advocate i/b Vijay Hiremath, Advocate for
the applicant in APPA 627/15 & 628/15

Mr. Rajiv Patil, Sr. Advocate i/b Jaydeep Lele, Advocate for the
applicant in APPA 645/15

Mr. A. R. Patil, APP for the State in all the matters

Mr. J. R. Solanki, PP for the respondent-CBI., in all matters.

CORAM:-A. R. JOSHI, J.

DATED : -16/06/2015

P.C.

All the three appeals are separately filed by the respective accused. They are challenging the same impugned judgment and order passed by the Special Court, CBI under Bank Security and Frauds Cell. The applicants were convicted for the offences punishable u/s 409 r/w r/w 34, 120-B and also u/s 411 of IPC. Maximum punishment awarded is of five years. One of the appellant-applicant is ex-bank officer, who is presently retired and other two appellants-applicants in other two appeals are the account holders. The allegations as to giving the financial benefits by clearing cheques without there being any credit balance in the accounts, happened in the year 1996. However, subsequently the

outstanding amounts as per the debit balance were cleared. However, during the bank inspections these transactions surfaced and enquiry was held and ultimately complaint was lodged with C.B.I., and offences were registered in the year 1998.

2 During the trial, all the appellants-applicants were on bail and the conviction is for five years. Though it is submitted on behalf of the CBI that the appeals can be expedited and the appellants-applicants may not be released on bail during the pendency of appeals, it appears that there is apparently an arguable case for the appellants-applicants in the present matter, so far as applicability of Section 409 of IPC is concerned. Moreover the temporary loss then caused to the bank was cleared within two months as reported. It is also argued that there is a settled distinction between the irregularity in the bank transaction and the blatant illegality committed by the officers.

3 In any event, apparently there may not be any immediate proximate hearing in all these appeals in near future and under the circumstances, the applicants can be released on bail. Hence the order:

All the applications are allowed. All the applicants be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court.

4 In view of disposal of bail applications, the applications No. 626/2015 and 628/2015 for suspensions of sentence do not survive and are disposed of accordingly.

5 Parties to act on authenticated copy of this Order.

(A. R. JOSHI, J.)

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