

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.1326 OF 2015
IN
CRIMINAL APPEAL NO.871 OF 2014**

Shyamjibhai Govindjibhai Patel @
Sattubhai J. Jhalla ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.S.V.Marwadi, Advocate for the Applicant.
Mr.S.K.Shinde with Y.M.Nakhwa, Advocate for the Respondent
No.1/CBI.

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CORAM : ABHAY M. THIPSAY J.

DATED : 10TH DECEMBER 2015

P.C.

1. Heard Mr.S.V.Marwadi, the learned counsel for the applicant. Heard Mr.S.K.Shinde, the learned Additional Public Prosecutor.

2. The appellant has been convicted of various offences and sentenced to suffer different terms of imprisonment. Since the substantive sentences have been directed to run concurrently, the appellant has been sentenced to suffer the largest sentence which is of Rigorous Imprisonment for five years. The applicant

has also been sentenced to pay a fine, totally, of Rs.40,40,000/-. The appeal filed by the applicant challenging his conviction and the sentences imposed upon him has already been admitted. By the present application, the applicant prays that the sentences imposed upon him be suspended during the pendency of the appeal, and he be released on bail.

3. The learned counsel urged that the applicant is an old person of 67 years, and is not in a position to pay such a huge amount of fine. He submitted that the applicant has no source of income and has to depend upon his children, and that his children are not ready to deposit the amount of fine. He submitted that even the sentence of fine be suspended during the pendency of the appeal.

4. The applicant has remained in custody for a period of more than 15 months. In the ordinary course, the appeal is not likely be taken up for hearing within a short time. However, the amount of fine is very huge. It is not desirable to suspend the entire sentence of fine.

5. After considering all the relevant aspects of the matter, and after hearing the learned Additional Public Prosecutor, I am inclined to suspend the sentences imposed upon the applicant/appellant subject to certain conditions.

6. Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicant/appellant shall stand suspended; and the applicant/appellant shall be released on bail in the sum of Rs.50,000/- with one surety in like amount on the condition to report the trial Court on the first Monday of each calender month till disposal of the case against him.
7. Should the trial Court be closed on any given Monday on account of holiday, the applicant shall report to the trial Court on the next working day. Any default in reporting to the trial Court as directed, shall forthwith be brought to the notice of this Court by the trial Court.
8. On the appellant depositing a sum of Rs.5,00,000/- in the trial Court and furnishing bank guarantee in the sum of Rs.15,00,000/-, the sentence of fine shall also stand suspended.
9. This bail order shall be given effect only after the applicant/appellant deposits a sum of Rs.5,00,000/- in the trial Court, and furnishes a bank guarantee in the sum of Rs.15,00,000/-.
10. The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY J.)

CERTIFICATE

Certified to be true and correct copy of the original signed Judgment/Order.