

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1580 OF 2015
in
CRIMINAL APPEAL NO. 1160 OF 2015

Ms. Mini Gokuldas Shah	...	Applicant/Appellant
vs.		(Orig. Accused No.2)
1) The Central Bureau of Investigation, Mumbai.		
2) State of Maharashtra	...	Respondents

Mr. A. Mirajkar i/b. Mr. Vikas Kapile, Advocate for the applicant.
Mr. Arfan Sait, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 23rd December, 2015.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence. The applicant herein is convicted for the offence punishable under Section 109 of Indian Penal Code read with Section 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988 and is sentenced to suffer R.I. For one year and fine of Rs.1,000/-. The applicant is acquitted of the offence punishable under Section 120B, Section 420 read with Section 120B of the Indian Penal Code.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon her and she deserves extension of the same relief during the pendency of the appeal.

3. Taking into consideration the fact that the sentence imposed upon the applicant is a short-term sentence and that the sentence has been suspended by the Sessions Court after recording the conviction to enable the applicant to file an appeal. The applicant deserves enlargement on bail during the pendency of the appeal. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. She be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall furnish bail within four weeks from today.
- (iv) The applicant shall report to the Court of Special Judge (CBI), Gr. Bombay once in six months on the date specified by the Special Judge.

(v) Upon failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(vi) Parties to act on an authenticated copy of this order.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)