

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 659 of 2016
IN
CRIMINAL APPEAL No. 376 of 2016.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr V. N. Shingnapurkar, Advocate for the applicant.

Mr Hiten Venegaonkar the Respondent no.1.

Mr A.S. Patil, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 13th June, 2016

P.C.

- 1) Heard the learned counsel for the applicant.
- 2) The applicant has been convicted under sections 468, 471, 420 of the IPC and under section 13(2) read with section 13 (1)(d) of the Prevention of Corruption Act and is sentenced to suffer rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- on each count, in default of payment of fine to further undergo simple imprisonment for 15 days on each count by the learned Special Judge for C.B.I. for Greater Bombay by its Judgment and Order dated 20.5.2016 in Special Case No.18/2000. All the substantive sentences have been directed to run concurrently.
- 3) The applicant is arrested in the present crime on 15.10.2015 and since then he is in jail. The learned counsel for the applicant submitted that as of today the applicant has already undergone three-fourth of the sentence. In view of the decision of this Court in

the case of Kukuttikaran Anthony and Anr vs. A.J. Shaikh & Anr reported in 2008 (2) Bom.C.R. (Cri) 386, and in view of the fact that the applicant has already undergone three-fourth of his sentence, I am inclined to release the applicant on bail on that count alone.

4) It is to be noted here that this Court is not enlarging the applicant on bail on merits but only because of the operation of law as the applicant has already undergone three-fourth of the sentence imposed upon him and no exceptional case to further detain the applicant in jail during pendency of the appeal has been made out by the prosecution from the facts and evidence on record.

5) Hence, the following order :

:ORDER :

- a) The applicant be released on bail on his furnishing a P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;
- b) After his release from jail, the applicant shall attend the Special Court for C.B.I. for Greater Bombay on every first Monday once in three months during the pendency of the appeal;
- c) The applicant shall surrender his Passport before the Special Court and shall not leave India without prior permission of this Court;
- 6) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)