

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPLICATION No. 676 of 2016
IN
CR. APPEAL No. 391 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 Ashish Sawant i/by A.A. Patankar for the applicant.
Mr Milind Sawant for the Respondent No.1-CBI.
Smt. Anamika Malhotra, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 29th June, 2016

P.C.

- 1) This is an application for suspension of substantive sentence and for releasing the applicant on bail pending the hearing and disposal of the appeal.
- 2) The applicant, who is the original accused no.1 in Special Case No. 16/2012, has been convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for three years and to pay the fine of Rs. 5000/- and in default of payment of fine to suffer simple imprisonment for two months by the learned Special Judge (C.B.I.) Greater Mumbai by its Judgment and Order dated 6.5.2016. The appeal preferred by the applicant is admitted on 22.6.2016. The maximum sentence imposed upon the applicant is of three years.
- 3) The sentence imposed upon the applicant is a short term sentence. After the pronouncement of the impugned Judgment and

Order dated 6.5.2016 the learned Trial Court has released the applicant on bail under section 389 (3) of the Cr.PC. That the applicant was on bail during the pendency of the trial and there is no report that the applicant has violated any of the conditions of the bail. There is no possibility of the appeal being heard in the near future. In the circumstances, the applicant is entitled for bail.

4) Hence, the following order.

ORDER

(a) The substantive sentence imposed upon the applicant is suspended during the pendency of the revision application.

(b) The applicant be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(c) After his release from Jail, the applicant shall attend the Trial Court once in six months on every first Monday of the said month between 11:00 a.m. to 1:00 p.m;

(d) In case of any two consecutive defaults in attending the Trial Court by the applicant the prosecution will be entitled for seeking cancellation of bail granted by this Court;

5) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)