

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.750 OF 2016
IN
CRIMINAL APPEAL NO.411 OF 2016**

Himanshu Vinodchandra Shah Applicant

versus

State of Maharashtra and another ... Respondents

Mr.Rishi Bhuta a/w Mr.Manish Bohra advocate i/b. A.S. Khan & Associates for the applicant.

Mr.A.A. Takalkar, APP for the State/respondent No.1.

Mr.H.S. Venegavkar, advocate for CBI, respondent No.2.

CORAM : A.M.BADAR, J.

DATE : 21st NOVEMBER, 2016

P.C. :

1. This is an application for suspension of sentence and releasing applicant/accused on bail during pendency of appeal filed by him.

2. Heard learned counsel for the applicant/accused. By placing reliance on order of this Court dated 23/08/2016 in Criminal Application No.833/16, learned counsel argued that two accused persons with identical case are already ordered to be

released on bail by this Court by suspending their sentence and therefore the applicant deserves the same treatment.

3. Learned counsel appearing for respondent No.1 CBI opposed the application by contending that offence alleged against the present applicants are serious in nature and the applicant has failed to deposit the amount of compensation imposed upon him by the learned Trial Court. Hence, he submitted that the applicant cannot be enlarged on bail on suspending sentence.

4. It is seen that the present applicant who was the original accused No.4 was convicted for offence punishable u/s 420 r/w 120 (B) of Indian Penal Code and u/s 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988. On both counts, he alongwith co-accused was sentenced to suffer rigorous imprisonment for three years. The applicant as well as co-accused were directed to pay compensation of Rs.25,000/- by each of them. Co-accused i.e. accused No.2 Nimesh Rameshchandra Shah and accused No.3 Sanjay Balwantraai Umedlal Doshi are already released on bail by this Court vide order dated 23/08/2016. Even

though they have deposited the amount of compensation. On the principle of parity, the applicant herein also deserves same treatment and therefore order:

ORDER

- (1) The application is allowed.
- (2) Substantive sentence of imprisonment imposed upon applicants, is suspended and he is released on same bail with fresh bond.
- (3) As a condition of this order, the applicant shall not leave jurisdiction of this Court without obtaining treatment.
- (4) Compensation as awarded by the learned Trial Court can be recovered by following relevant provisions of law.

(A.M. BADAR, J.)