

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 823 OF 2016
IN
CRIMINAL APPEAL NO. 461 OF 2016

Ketan Ramniklal Malkan Vs. The State of Maharashtra & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. Shital Turakhia for Applicant.
Ms. P.P. Bhosale, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 25th July 2016.

P.C.:

- 1) Heard the learned counsel for the applicant and the learned APP.
- 2) This is an application for suspension of sentence and releasing the applicant on bail.
- 3) The learned counsel for the applicant has tendered in this Court today the affidavit of service of respondent No.2-CBI. The respondent No.2 is absent though duly served.
- 3) The applicant is the original accused No.6 in Special CBI Case No.78 of 2000. The applicant is convicted under Section 420 read with Section 120-B of the Indian Penal Code as well as under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for three years by the Special Judge, C.B.I., Greater Mumbai

in Special CBI Case No.78 of 2000 by its Judgment and Order dated 10th June 2016. After the pronouncement of the said Judgment and Order, the applicant has been released on bail as contemplated under Section 389(3) of Cr. P.C. by the Trial Court. by its Order dated 10th June 2016 passed below Exhibits 305 and 306. The learned counsel for the applicant submitted that applicant was on bail during pendency of the trial and there is no report of breach of any conditions imposed upon him.

4) The substantive sentence imposed upon the applicant is of three years rigorous imprisonment. This is a short term sentence and there is no report of violation of any of the conditions of bail order during trial, I am inclined to suspend the sentence imposed upon the applicant and to release the applicant on bail.

5) Hence, the following Order:

- (i) The applicant be released on bail on his furnishing PR bond of Rs.50,000/- with one or two local solvent sureties in the like amount. The procedure for submitting surety be complied with within six weeks from today before the Trial Court;
- (ii) The applicant shall attend the Trial Court once in six months on every 1st Monday during 11.00 to 2.00 p.m. during the pendency of appeal;
- (iii) Applicant shall not leave the country without prior permission of this Court;
- (iv) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)