

Anand

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

CRIMINAL APPLICATION No.682 OF 2015

Sanjay Chimanlal Dholakia .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.P.Mundargi, Senior Counsel i/b. Mr.Tanveer
Khan, Advocate, for the Applicant
Ms R.M.Gadhvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.05.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. On 22.04.2016, temporary bail was
granted to the Applicant on the ground that his
wife was admitted to the hospital and that she
was required to undergo brain surgery. The
Applicant was enlarged on temporary bail from
23rd April to 5th May, 2016.

3. Learned Senior counsel for the Applicant submits that the Applicant has surrendered before the Sessions Court. As the Applicant has surrendered, this Application is taken up for hearing.

4. It appears that the Applicant was convicted for the offences punishable under Sections 420, 465, 467, 471 r/w.34 of the Indian Penal Code and was sentenced to suffer R.I. for seven years and to pay a fine of Rs.5,000/-, in default to suffer further R.I. for 6 months. Learned Senior counsel for the Applicant submitted that against the said Judgment and Order dated 09.09.2015 passed by the learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai convicting and sentencing him as aforesaid, the Applicant preferred an Appeal, being Criminal Appeal No.82 of 2015 which was admitted in September, 2015. He submits that in the said Criminal Appeal, the

Applicant preferred a Misc. Application, being Exh.2, seeking suspension of his sentence during the pendency of the said Appeal, which came to be rejected by the learned Additional Sessions Judge, Greater Bombay vide order dated 29.09.2015. Learned Senior counsel for the Applicant submits that the Appeal is not likely to be heard in the immediate near future. He submits that the Applicant, without prejudice to his rights and contentions is ready to deposit a sum of Rs.3,50,000/- within two weeks of his release.

5. Perused the papers. It appears that the Appeal is not likely to be heard in the immediate near future. In view of the statement made by the learned Senior counsel for the Applicant, on instructions, that the Applicant is ready to deposit Rs.3,50,000/- without prejudice to his rights, the Applicant is enlarged on bail pending the Appeal, before the

Sessions Court, being Criminal Appeal No.82 of 2015 on the following terms & conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the hearing of his Appeal on every date;
- (iii) The applicant shall co-operate in the conduct of the Appeal;
- (iv) The said amount of Rs.3,50,000/- shall be deposited by the Applicant in the Sessions Court, within two weeks of his release.

6. Accordingly, the Application is allowed.

7. It is made clear, that the said amount is being deposited by the Applicant, without prejudice to his rights and contentions and that the same shall not be considered as an

admission of the guilt of the Applicant.

8. It is also made clear that this Court has not gone into the merits of the Criminal Appeal which is pending before the learned Sessions Judge.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)