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

**CRIMINAL APPLICATION NO.1485 OF 2016
IN
CRIMINAL APPEAL NO.767 OF 2016**

Dipendra Namibhai Upadhyay	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Vimal Gupta, Senior Counsel a/w Mr.Arjun Gupta i/b Mr.A.S.Gabhale,
for the Applicant.

Mr.S.V.Gavand, APP for the Respondent No.1-State.

Mr.H.S.Venegaonkar, for the Respondent No.2– CBI.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th DECEMBER, 2016

P.C. :

1. Leave to amend to add Central Bureau of Investigation, as party Respondent No.2, is granted. Amendment to be carried out forthwith.

2. Heard learned Senior Counsel for the applicant, learned A.P.P. and the learned counsel for the Respondent no.2- CBI.

3. The applicant, (original accused no.9), vide Judgment and

Order dated 25th November, 2016, passed by learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR No.51), has been convicted and sentenced as under:-

- for the offence punishable under Sections 120B r/w 467 of the Indian Penal Code to suffer R.I for 5 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 3 months;
- for the offence punishable under Sections 420 r/w 120B of the Indian Penal Code to suffer R.I for 3 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 3 months;
- for the offence punishable under Sections 467 r/w 120B of the Indian Penal Code to suffer R.I for 5 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 3 months;
- for the offence punishable under Sections 468 r/w 120B of the Indian Penal Code to suffer R.I for 3 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 3 months;
- for the offence punishable under Sections 471 r/w 120B of the Indian Penal Code to suffer R.I for 2 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 1 month and
- for the offence punishable under Sections 13(2) r/w 13(1)(c) & (d)

of the Prevention of Corruption Act, 1988 to suffer R.I for 4 years and to pay fine of Rs.10,000/- in default to suffer R.I. for 3 months.

4. Learned Senior Counsel for the applicant states that the applicant was on bail throughout trial, and that he has not abused or misused the liberty granted to him. He submits that the applicant has deposited the fine amounts as directed vide Judgment and Order dated 25th November, 2016. He further submits that the appeal is not likely to be heard in the immediate near future and as such prays that the applicant be enlarged on bail, pending the hearing and final disposal of his Appeal.

5. Perused the papers. It is not in dispute that the applicant was on bail throughout trial and that he has not abused or misused the liberty granted to him. The appeal is not likely to be heard in the immediate near future.

6. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs.50,000/-, for a period of four weeks;
- (ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount, within a period of four weeks of his release on cash bail;
- (iii) The applicant shall inform his latest place of residence and mobile contact number in writing, immediately after being released and/or change of residence or mobile details, if any, from time to time to the office of the CBI.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.