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

***CRIMINAL APPLICATION NO.278 OF 2017
IN
CRIMINAL APPEAL NO.145 OF 2017***

Sanjeev Kumar Dhar

...Applicant
(Orig. Accused No.1)

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.A.P.Mundargi, Senior Counsel, Mr.Jayant Bardeskar, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

Mr.H.S.Venegaonkar, Special Public Prosecutor, for the Respondent No.2-CBI.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application the applicant seeks his enlargement on bail, pending the hearing and final disposal of his appeal.

3. The applicant vide Judgment and Order dated 31st January, 2017, passed by the learned Special Judge (CBI-ACB Cases), Pune, has been convicted and sentenced as under:-

– for the offence punishable under Sections 120B of Indian Penal Code to suffer imprisonment for 3 years and to pay fine of Rs.5,00,000/- in default to suffer S.I. for 9 months;

– for the offence punishable under Sections 420 of Indian Penal Code to suffer imprisonment for 3 years and to pay fine of Rs.5,00,000/- in default to suffer S.I. for 9 months;

– for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 to suffer imprisonment for 3 years and to pay fine of Rs.5,00,000/- in default to suffer S.I. for 9 months;

(All the sentences are directed to be run concurrently.)

4. Learned Senior Counsel for the applicant states that the applicant was on bail, pending trial and that he has not abused or misused the liberty granted to him. He submitted that the applicant's sentence was suspended after his conviction, by the learned Special Judge, Pune. The said statement is not disputed by the learned Special Public Prosecutor.

5. Perused the papers. The Appeal has been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 2nd March, 2017 and the same is not likely to come up for the hearing in the immediate near future. It is not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him. The applicant's sentence was also suspended after his conviction. The sentence awarded is a short term sentence.

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 enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

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.)