

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

Abdul Samad Shaikh Hussain ...Applicant  
Versus  
The Central Bureau of Investigation and Anr. ...Respondents

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

**DATE : 14<sup>th</sup> JUNE, 2017**

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. The applicant also seeks suspension of the fine amount, imposed by the learned Special Judge (CBI-ACB Cases), Pune, pending the hearing and final disposal of

the appeal.

3. The applicant vide Judgment and Order dated 31<sup>st</sup> January, 2017, passed by learned Special Judge (CBI-ACB Cases), Pune, in Special Case No.14 of 2007, 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.

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

4. Learned 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. He submitted that the direction to deposit the fine amount of Rs.10 lakhs is

extremely harsh and unreasonable. He submits that the applicant has a good case on merits and as such pending the hearing and final disposal of his appeal, the operative part of the impugned order directing the applicant to deposit an amount of Rs.10 lakhs be suspended.

5. Perused the papers. The Appeal has been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 1<sup>st</sup> 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 suspended after his conviction. The sentence awarded is a short term sentence.

6. Considering the aforesaid, the applicant's sentence of imprisonment 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. In the peculiar facts of this case, the operative part of the impugned order, directing the applicant to deposit the fine amount of Rs.10 lakhs, is also suspended, pending the hearing and final disposal of the appeal.

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

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

***(REVATI MOHITE DERE, J.)***