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

***CRIMINAL APPLICATION NO.286 OF 2017
(For Bail)
IN
CRIMINAL APPEAL NO.153 OF 2017***

Shubhangi Shripad @ Sultana Samad Shaikh ...Applicant
Versus
The Central Bureau of Investigation and Anr. ...Respondents

Mr.Aniket U. Nikam, i/b Mr.Chetan S.Damre, for the Applicant.

Mr.H.S.Venegaonkar, Special Public Prosecutor, for the Respondent No.1-CBI.

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

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 suspension of her sentence and enlargement on bail, pending the hearing and final disposal of her appeal. She also seeks suspension of the fine amount, pending

the hearing and final disposal of the appeal.

3. The applicant vide Judgment and Order dated 31st 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;
- for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 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 Counsel for the applicant states that the applicant was on bail, pending trial and that she has not abused or misused the liberty granted to her. He submitted that the applicant's sentence was suspended

after her 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.15 lakhs is extremely harsh, unreasonable and unjustified. He submits that the applicant has a good case on merits and as such pending the hearing and final disposal of her appeal, the operative part of the impugned order, directing the applicant to deposit the fine amount of Rs.15 lakhs be suspended.

5. Perused the papers. The Appeal has been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 1st 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 she has not abused or misused the liberty granted to her. The applicant's sentence was suspended after her conviction. The sentence awarded is a short term sentence.

6. Considering the aforesaid, the applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final

disposal of her 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.15 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.)