

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1460 OF 2017

IN

CRIMINAL APPEAL NO.881 OF 2017

Rajendra Prasad Jain

...Applicant.

Versus

The Central Bureau of Investigation and anr. ...Respondents

Mr. Pankaj J. Das for the applicant

Mr. P.P.Jadhav APP for the State.

Mr.H.S.Venegaokar, CBI/Union

CORAM: A.M. BADAR, J.

DATED: 15th DECEMBER 2017

PC:-

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him which is already admitted for final hearing by this Court.

2 Heard the learned Advocate appearing for the applicant/accused No.4. He argued that after convicting the applicant/accused, substantive sentence of imprisonment is suspended by the learned Trial Court. Short sentence of

imprisonment is imposed on the applicant and the appeal is not likely to be heard within near future.

3. Shri.Venegaonkar the learned advocate appearing for the CBI opposed the application by contending that after due trial, charges are proved against the present applicant and therefore, he is not entitled for bail.

4. I have considered the rival submissions and also perused the impugned judgment and order of conviction. The applicant/accused no.4 is convicted of offences punishable under Section 120-B ,420,468 and 471 of the Indian Penal Code. On each count he is sentenced to suffer Rigorous Imprisonment for three years and all substantive sentences are directed to run concurrently. It is seen that the learned trial Court has already suspended the substantive sentence of imprisonment as such, as stated the same was up to three years. The appeal filed by the applicant may not be heard within a period of three years and therefore the following order:

- (i) The application is allowed.

- (ii) The substantive sentence of imprisonment imposed on the applicant/accused No.4 is suspended and he is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(A.M.BADAR J.)