

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

CRIMINAL APPLICATION NO. 157 OF 2018

IN

CRIMINAL APPEAL NO. 34 OF 2018

Sajan Joseph	... Applicant
Vs.	
Central Bureau of Investigation (CBI) & Anr.	... Respondents

Mr. D.G.Khamkar for the Applicant.
Mr. H.S.Venegavkar for the Respondent No.1.
Mr. A.R. Kapadnis APP for State.

CORAM : A.S. GADKARI, J.
DATE : 5th APRIL, 2018.

PC.

1. This is an application for suspension of sentence and for releasing the applicant on bail.
2. Heard the learned counsel for the applicant and learned Special Public Prosecutor and perused the record.
3. Applicant is original accused No.6 in Special CBI Case No.74 of 2004.

The applicant is convicted under Sections 409, 420, 465, 467, 468, 471 r/w 120B of the Indian Penal Code and under Section 13(2) of Prevention of Corruption Act, 1988 and sentenced to suffer maximum rigorous imprisonment of five years and to pay a fine of Rs.10,000/- in default of payment of fine to undergo further sentence as prescribed by the learned Special Judge (CBI)/The Additional Sessions Judge, Gr. Bombay in Special CBI Case No. 74 of 2004 by its Judgment and Order dated 03.01.2017.

4. The record indicates that the applicant has already undergone sentence of three years and one month. Thus, the applicant has completed more than 60% of actual sentence as of today. The possibility of appeal being heard on merits in near future is remote.
5. In view thereof, I am inclined to release the applicant on bail.
Hence, the following order.
- i. During the pendency of the present appeal substantive sentence imposed upon the applicant is suspended.
 - ii. During the pendency of the appeal, the applicant be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
 - iii. During the pendency of the appeal, the applicant shall attend the Trial Court on first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said first Monday is Court holiday/public holiday, the applicant shall mark his presence on immediate next day.
6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)