

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

CRIMINAL APPLICATION NO. 427 OF 2018

WITH

CRIMINAL APPLICATION NO. 428 OF 2018

IN

CRIMINAL APPEAL NO. 259 OF 2018

Mr. Bhagwan Dayaram Joshi

... Applicant

Vs.

The Union of India & Anr.

... Respondents

Mr. S.N. Chaudhary I/b BBY Legal for the Applicant.

Mr. Sandesh D. Patil for Respondent No.1.

Mr. V.V. Gangurde APP for State.

CORAM : A.S. GADKARI, J.

DATE : 23rd MARCH, 2018

P.C.

1. The aforesaid are applications for suspension of sentence and for releasing the applicant on bail respectively.

2. The applicant is convicted under Sections 420, 471 r/w 120 (b) of Indian Penal Code and under Section 13(2) and 13(1) (d) of Prevention of Corruption Act and sentenced to suffer maximum rigorous imprisonment for two years and to pay a total fine of Rs.60,000/- in default of payment of fine, to further undergo rigorous imprisonment for two months by the learned

Special Judge, CBI, Gr. Bombay in CBI Special Case No. 70 of 2005 by its Judgment and Order dated 13.02.2018.

The learned counsel for the applicant submitted that applicant has already deposited the fine amount in the Registry of the Trial Court.

3. As the maximum sentence imposed upon the applicant is two years of rigorous imprisonment and the possibility of the appeal being heard on merits in near future is remote, I am inclined to release the applicant on bail.

Hence, the following order.

(a) The applicant be released on bail in CBI Special Case No. 70 of 2005 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) During the pendency of the appeal, the applicant shall attend the concerned Trial Court on every first Monday of the month between 11.00 a.m. to 1.00 p.m. If the said Monday comes on a holiday or non-Court working day, he shall attend the Court on the immediate next working day.

4. Both the applications are allowed in the aforesaid terms.

(A.S. GADKARI, J)