

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

**CRIMINAL APPLICATION NO.467 OF 2018
IN
CRIMINAL APPEAL NO.294 OF 2018**

Shri. Gopal Jailal Dadhia

... Applicant.

V/s.

CBI STF Mumbai & Anr.

... Respondents

Mr. V.N. Shingnapurkar for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 28th MARCH 2018

P.C.:

1. This is an application for suspension of sentence and for releasing the applicant on bail.

2. The applicant is Accused No.10 in CBI/ACB Case No.70/2005.

The applicant is convicted under Section 120-B r/w.420, 465, 467, 471 of Indian Penal Code and under Sections 13(2) r/w.13(1)(d) (ii) of the Prevention of Corruption Act, 1988 and sentenced to suffer maximum rigorous imprisonment for two years and to pay a total fine of Rs.30,000/- by the learned Special Judge (CBI), Gr.Bombay in CBI/ACB Case No.70 of 2005 by its Judgment and Order dated 13.02.2018.

3. The learned counsel for the applicant submitted that, the applicant has already deposited the fine amount in the Registry of the Trial Court. He further submitted that, the applicant has been released on bail under Section 389(3) of Cr.P.C. by the Trial Court by an Order dated 13.02.2018.

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

Hence, the following order.

(a) During the pendency of appeal, the substantive sentence imposed upon the applicant is suspended.

(b) The applicant be released on bail in CBI/ACB 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.

(c) During the pendency of the appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said Monday is Court holiday/public holiday, the applicant shall mark his presence on immediate next date.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)