

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 491 OF 2018

IN

CRIMINAL APEAL NO. 329 Of 2018

Chhotelal Asaram Tembhare vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.G.Sarda i/by Anup Lahoti for the Applicant.

Mr. Ajay Bhise for the Respondent.

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

CORAM : A.S.GADKARI, J.

DATE : 13th April, 2018

P.C.

1. Leave to amend to implead CBI as necessary party.

Amendment be carried out forthwith.

2. Heard Shri. Sarda, learned counsel for the applicant and the learned Special PP for the CBI.

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

The applicant is the original accused No.5 in Special (CBI) Case No. 59/2015.

The applicant has been convicted under Section-420

read with 120(B) of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for two years and to pay a fine of Rs.25,000/- by the learned Special Judge CBI, ACB, Pune in Special (CBI) Case No.59 of 2015 by its Judgment and Order dated 16.2.2018.

6. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court and the applicant has been released on bail under Section-389(3) of the Cr.P.C. by the Trial Court.

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

Hence, the following order.

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

b) During the pendency of the appeal, the applicant be

released on bail in Special (CBI) Case No.59 of 2015 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 appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00p.m. If the said first Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next day.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)