

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 724 OF 2018****IN****CRIMINAL APPEAL NO. 521 OF 2018**

Shri Sunil Kumar s/o. Jai Bhagwan

....Applicant.

Vs.

CBI, ACB Mumbai & Anr.

....Respondents.

Mr. V.N. Shingnapurkar for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

Mr. H.S. Venegavkar for the Respondent-CBI.

CORAM : A. S. GADKARI, J.**DATE : 27th APRIL, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Sections 7 and 13 (2) read with Section 13(1)(d) under the Prevention of Corruption Act and is sentenced to suffer maximum rigorous imprisonment for four years and to pay a total fine of Rs.4,000/- (Rupees Four Thousand only), in default of payment of fine to further undergo rigorous imprisonment for two months, by the learned Special Judge, CBI, Greater Mumbai in CBI Special Case No.24 of 2014, by its Judgment

and Order dated 23rd April, 2018.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount of Rs.4,000/- (Rupees Four Thousand only) in the Registry of the Trial Court. He further submitted that, during the pendency of the Trial, the Applicant was on bail and now the Applicant has been released on bail by the Trial Court under Section 389 (3) of Cr. P. C. by an Order of even date.

4 In view of above and as the maximum sentence imposed upon the Applicant is four years of rigorous imprisonment and the possibility of hearing of Appeal on merits in the near future is remote, I am inclined to suspend the substantive sentence and to release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the Applicant is released on bail in CBI Special Case No.24 of 2014, on his furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two solvent local sureties in the like amount.
- b) During the pendency of the Appeal, the Applicant

shall attend and 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 first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)