

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.895 OF 2018

IN

CRIMINAL APPEAL NO. 730 OF 2018

Pankaj Jagdish Chand Garg & anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Sunil Vishambhar Kale for the applicants.

Ms.Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 22nd JUNE 2018.

P.C. :

1. The learned Advocate appearing for the applicants/accused seeks permission to amend the prayer clause of the application so as to modify the prayer to exclude from it 'stay to the conviction, execution and implementation of the judgment and order'. The learned Advocate appearing for the applicants submits that the application be construed as application for suspension of sentence and for releasing the applicants on bail during pendency of the appeal.

2. The learned Advocate appearing for the applicants further submits that the contesting respondent / prosecuting agency / CBI is already served and he wants to place acknowledgement on record. The same is accepted on record.

3. Heard the learned Advocate appearing for the applicants/accused who are convicted of offence punishable under Section 5(5) of the Prevention of Corruption Act and of the offences punishable under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act as well as of the offences punishable under Section 109 and 120B of the Indian Penal Code. Different sentences are imposed on the applicants as seen from the impugned judgment and order of conviction and resultant sentence. The maximum sentence is that of rigorous imprisonment for three years apart from imposition of fine.

4. The learned Advocate for the applicants submits that the entire fine amount has already been deposited by the applicants. He states that the applicants were on bail during pendency of the trial and even after completion of the trial. They are released on bail by the learned Trial Court. In this view of the matter, as the appeal filed by applicants may not be heard in the near future, they deserve to be released on bail

and as such the order;

:: ORDER ::

- (i) Substantive sentence of imprisonment imposed on the applicants is suspended and they are directed to be released on bail on their executing P.R. Bond in the sum of Rs.15,000/- each and on their furnishing surety in the like amount by each of them.
- (ii) The application is accordingly disposed of.

(A.M.BADAR J.)