

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.999 OF 2018

IN

CRIMINAL APPEAL NO.813 OF 2018

WITH

CRIMINAL APPLICATION NO.1000 OF 2018

IN

CRIMINAL APPEAL NO.813 OF 2018

Subroto Biswanath Banerji ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

CRIMINAL APPLICATION NO.1001 OF 2018

IN

CRIMINAL APPEAL NO.814 OF 2018

WITH

CRIMINAL APPLICATION NO.1002 OF 2018

IN

CRIMINAL APPEAL NO.814 OF 2018

Sumitra Subroto Banerji ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

CRIMINAL APPLICATION NO.1039 OF 2018

IN

CRIMINAL APPEAL NO.836 OF 2018

Anjali Vinay Bambole ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

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Mr.A.PMundargi, Senior Counsel with Ms.Sonal Parab i/b. Rajeev Sawant & Associates, Advocate for the Applicant in APPA/999/2018, APPA/1000/2018, APPA/1001/2018 and APPA/1002/2018.

Mr.M.S.Mohite with Mr.Niranjan Mundargi i/b. Omneel A. Jadhav, Advocate for the Applicant in APPA/1039/2018.

Mr.S.V.Gavand, APP for the Respondent/State in APPA/999/2018, APPA/1000/2018 and APPA/1039/2018.

Ms.Anamika Malhotra, APP for the Respondent/State in APPA/1001/2018 and 1002/2018.

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CORAM : A.M.BADAR J.

DATED : 4th JULY 2018.

P.C. :

1 These are applications for suspension of sentence and releasing the applicants/accused Nos.1 to 3 on bail during pendency of the appeals filed by them.

2 The applicants are accused Nos.1 to 3. They are convicted of offences punishable under Sections 7, 13,(1)(d) read with Section 13(2) and Section 12 of the Prevention of Corruption Act, 1988 by the learned Special Judge (CBI), in Special Case No.6 of 2012.

3 Applicant/accused No.1 Mrs.Sumitra Banerji has been convicted of the offences punishable under Sections 7, 13(2) read

with Section 13(1)(d) of the Prevention of Corruption Act, 1988. She has been sentenced to suffer rigorous imprisonment for four years and five years respectively on each count apart from imposition of fine and default sentence. Applicant/accused No.2 Anjali Bambole has also been convicted of offences punishable under Sections 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act and she has also been similarly sentenced, but different amount of fine is imposed on her apart from default sentence. Substantive sentences are directed to run concurrently. Applicant/accused No.3 Subroto Banerji has been convicted of the offence punishable under Section 12 of the Prevention of Corruption Act and he has been sentenced to suffer rigorous imprisonment for four years apart from payment of fine and imposition of the default sentence.

4 These applications were listed for hearing yesterday i.e. on 3rd July 2018. Shri.Mundargi, the learned Senior Counsel as well as Shri.Mohite, the learned Counsel for the applicants/accused informed that notice of hearing has already been given to the Central Bureau of Investigation, Mumbai and accordingly, they had tendered acknowledgment of CBI on record. Be that as it may, it is also argued that Section 389 of the Criminal Procedure Code mandates that the Public Prosecutor needs to be heard only when the application for bail is by the appellant convicted of offence punishable with death or imprisonment for life or imprisonment

for a term not less than ten years. Such is not the case in hand.

5 Shri.Mundargi, the learned Senior Counsel as well as Shri.Mohite, the learned Counsel appearing for the applicants/accused argued that all applicants were on bail during pendency of the trial and they had not misused their liberty. It is further argued that short sentence of imprisonment is imposed on the applicants and the appeals filed by them may not be heard by this Court within next four or five years.

6 Submission so advanced deserves consideration. The applicants were on bail during pendency of the trial. It is not seen that they had misused their liberty. Short sentence of imprisonment is imposed on the applicants and considering pendency of appeals before this Court and particularly pendency of jail appeals, appeals filed by present applicants may not be heard in near future. Hence, I see no reason to refuse bail to them.

7 In this view of the matter, the following Order :

ORDER

- (i) Substantive sentence of imprisonment imposed on the applicants/accused Nos.1 to 3 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 furnishing surety in the like amount by each of them.

(ii) The applications are accordingly disposed of.

(A.M.BADAR J.)