

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

**CRIMINAL APPLICATION NO. 1512 OF 2018
IN
CRIMINAL APPEAL NO. 1098 OF 2018**

Mythili Ganesh. ..Applicant.
V/s.
The Central Bureau of Investigation & anr. ..Respondents.

Mr. Amol Suresh Suryawanshi, advocate for applicant.
Ms. Ameeta Kuttikrishnan, advocate for respondent.
Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 10, 2018.

P. C. :

1 Heard the learned Counsel for the applicant, learned Counsel for the respondent No. 1 and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908. The applicant herein is convicted by Special Judge for CBI, City Civil & Sessions Court, Gr. Bombay in CBI Special Case No. 5 of 1992 vide Judgment and order dated 27/07/2018 for offence punishable under section 120-B and 420 read with section 120B of the Indian Penal Code and is sentenced to suffer S.I. for 6 months and to pay fine of Rs. 5,000/- I.d. to suffer S.I. for 2 months under section 120B of

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the Indian Penal Code and sentenced to suffer S.I. of 6 months and to pay fine of Rs. 3,000/- I.d. to suffer S.I. for 2 months. Substantive sentences to run concurrently.

3 The learned Counsel for the applicant submits that the applicant had been on bail during the pendency of the trial and has not committed breach of any conditions imposed upon her. It is submitted that the substantive sentence has been suspended by the Special Court to enable the applicant to file an appeal. The sentence imposed upon the applicant is short term sentence. Hence, in view of the Judgment of the Hon'ble Apex Court in the case, **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130**, the applicant deserves to be enlarged on bail. It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.

3 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence passed by Special Judge for CBI, City Civil & Sessions Court, Gr. Bombay in CBI Special Case No. 5 of 1992 vide Judgment and order dated 27/07/2018 is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall report to the Court of Special Judge for CBI, City Civil & Sessions Court, Gr. Bombay once in 6 months on the date assigned by the learned Special Judge, Gr. Bombay. Upon failure to

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attend on two consecutive dates, the Special Judge for CBI, City Civil & Sessions Court, Gr. Bombay shall make report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

4 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]