

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1868 OF 2018
IN
CRIMINAL APPEAL NO. 1343 OF 2018

Vinod Pranal Avlani. ..Applicant.
V/s.
The State of Maharashtra. ..Respondent.
Mr. P.V. Nichani, advocate for appellant.
Ms. Ameeta Kuttikrishnan, advocate for respondent-CBI.
Mr. V.V. Gangurde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 13, 2018.

P. C. :

1 Heard the learned Counsel for the applicant 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 for offence punishable under section 420, 467, 468, 471 read with section 120-B of the Indian Penal Code and under section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 by the Special Judge(CBI), Court Room No. 53, Gr. Bombay in Special CBI/ACB Case No. 32 of 2007 vide Judgment and Order dated 30/8/2018. The maximum sentence

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imposed upon the applicant is 2 years rigorous imprisonment.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. Similarly, the sentence imposed upon the applicant is a short term sentence and that he would be entitled to the extension of the same relief during the pendency of the appeal.

4 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 sentence shall not be construed as suspension of conviction.

5 Hence following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 30/8/2018 passed by the Special Judge(CBI), Gr. Bombay in Special CBI/ACB Case No. 32 of 2007 is hereby suspended and the applicant be enlarged on bail on furnishing P.R.

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Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall report to the CBI Court, Gr. Bombay once in 6 months on the date specified by the concerned Special Judge(CBI), Gr. Bombay. Upon failure to attend on two consecutive dates, the Special Court (CBI), Gr. Bombay shall report the same to the High Court and the prosecution would be at liberty to file an application for cancellation of the bail.

6 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]