

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

**CRIMINAL APPEAL NO.695 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.744 OF 2019**

Anil Balram Yadav & Ors. Appellants/Applicants

Vs.

C.B.I., ACB Pune & Anr. Respondents

Mr. Sarwadnya Kadtane i/by Mr. Kuldeep U. Nikam for the appellants/applicants.

Mr. Y.M. Nakhwa for Respondent-CBI

Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 2nd May 2019

P.C.:

1. Heard the respective counsel.
2. Appeal admit.
3. The above application is filed under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence imposed upon the appellants/applicants. The applicants herein are convicted by the Special Judge (CBI-ACB), Pune vide judgment and order

dated 18th April 2019 in CBI (ACB) Case No.69 of 2016, for the offences punishable under Sections 420, 467, 468, 471 read with 120B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years, fine of Rs.500/-, in default to suffer further imprisonment for one month each respectively.

4. The sentence imposed upon the applicants is a short term sentence. The fine amount is paid by the applicants. Learned counsel for the applicants submits that in fact the applicants are borrowers and victims of scam by original accused no.1 – Tanaji Shrirang Borkar, who was Head of Bank of Baroda, Pimpale Saudagar Branch Pune.

5. Taking into consideration that the sentence imposed upon the applicants is a short term sentence and it would not be possible to hear the appeal expeditiously. The applicants deserve the extension of same relief during the pendency of the appeal. The observations are restricted to the borrowers and the public servant shall not take benefit of it. Hence, the following order.

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 18th April 2019 is hereby suspended.
- iii) The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.
- iv) The applicants shall mark their presence before the Special Judge (CBI-ACB), Pune once in six months on the date assigned by the Special Judge.
- v) Upon failure to attend any two consecutive dates, the Special Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)