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

**CRIMINAL APPLICATION NO.1087 OF 2018
(FOR BAIL/SUSPENSION OF SENTENCE)**

**IN
CRIMINAL APPEAL NO.872 OF 2018**

Vijay @Chandrabhan Uttam Kandekar ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms.Avantika Inamdar a/w Ms.Divya Parab i/b Mr.R.N.Gite, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. Learned Counsel for the Applicant states that the applicant

was on bail, pending the trial and that he has not abused or misused the liberty granted to him. She further states that the Applicant has undergone nearly half the sentence imposed upon him by the trial Court.

4. Learned A.P.P. opposed the Application. He, however, does not dispute the fact that the Applicant was on bail pending trial, and that he has not misused or abused the liberty granted to him.

5. Perused the papers. The applicant has been convicted by the learned District Judge – 4 and Additional Sessions Judge, Thane, vide Judgment and Order dated 3rd July, 2018, passed in Special Case M.P.I.D. No. 05 of 2005, for the offence punishable under Sections 420, 406 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act. The maximum sentence imposed for the offence punishable under Sections 420 of the Indian Penal Code r/w Section 3 of the Maharashtra Protection of Interest of Depositors Act is 5 years. A fine of Rs.50,000/- was also imposed for the said offences. The Appeal has been admitted by this Court vide order dated 23rd July, 2018 and the same is not likely to come up for the hearing in the immediate near future. The

sentence awarded is a short term sentence. The applicant was on bail, pending the trial and there is nothing on record to show that he has abused or misused the liberty granted to him.

6. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.