

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

**CRIMINAL APPLICATION NO. 391 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 380 OF 2019**

Krishnakumar Jobodh Tiwari	...	Applicant
V/s.		
Central Bureau of Investigation & Anr.	...	Respondents

Mr.S.G. Rajput for Applicant.
Mr.H.S. Venegavkar for Respondent No.1-CBI.
Mr.R.M. Pethe, APP for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 25th September 2019.

PC. :

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] The applicant is convicted under Section 420, 170 and 120-B of the Indian Penal Code and is sentenced to suffer maximum simple imprisonment for two years and to pay a total fine of Rs.10,000/- by the learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade,

Mumbai, in C.C. No.509/PW/2013 by its Judgment and Order dated 15th June 2015.

The Criminal Appeal No. 627 of 2015 preferred by the applicant has been turned down by the learned Special Judge (C.B.I.), Mumbai, by its Judgment and Order dated 24th June 2019.

3] The learned counsel for the applicant submitted that, the applicant has already deposited entire fine amount in the Registry of the Trial Court. He further, on instructions, submitted that, in pursuance of the conviction warrant issued by the Trial Court, the applicant has been taken into custody on 25th August 2019 for undergoing sentence.

4] As the maximum sentence imposed upon the applicant is two years of simple imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.

(b) The procedure for bail be complied with before the trial Court.

(c) After his release from jail, the applicant shall attend the trial Court on every first Monday of every third month between 11.00 am and 2.00 pm and mark his presence. If the said Monday comes on a holiday or non Court working day, the applicant shall mark his presence immediately on the next working day.

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]