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

***CRIMINAL APPLICATION NO.2091 OF 2018
(FOR BAIL)
IN
CRIMINAL APPEAL NO.1566 OF 2018***

Subiah Radhakrishnan	...Applicant/Appellant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.R.A.Naik, for the Applicant/Appellant.

Mr.P.H.Gaikwad, A.P.P for the Respondent No.1- State.

Mr.H.S.Venegavkar, for the Respondent No.2 – C.B.I.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th MARCH, 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. The applicant has been convicted by the learned Special Judge (CBI), Court Room No.53, Greater Bombay, vide Judgment and Order dated 3rd November, 2018, passed in CBI Special Case No.22 of 2005, for the offence punishable under Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act and has been sentenced to suffer rigorous imprisonment for 1 year and to pay fine of Rs.2,000/-, in default to suffer further simple imprisonment for 2 months. The applicant has also been convicted for the offences punishable under Sections 420, 468, 471 r/w 120B of the Indian Penal Code and has been sentenced to suffer simple imprisonment for 1 year and to pay fine of Rs.1,000/-, in default to suffer further simple imprisonment for 1 month for each of the aforesaid offences.

4. Perused the papers. It appears that the fine amounts have been deposited by the Applicant. The Appeal has been admitted by a separate order passed today 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.

5. 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.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in three months as 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.

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

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

REVATI MOHITE DERE, J.