

NSC.

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

**LD/VC/OCR/154/2020  
(CRIMINAL INTERIM APPLICATION NO. \_\_\_\_\_ OF 2020)  
IN  
LD/VC/OCR/155/2020  
(CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2020)**

Amar Krishna Ghosh ...Applicant  
Versus  
CBI, Mumbai and Anr. ...Respondents

Ms. Yogini Ugale, for the Applicant

Mr. Hiten Venegaonkar, for the Respondent – C.B.I.

Mr. R. M. Pethe, A.P.P. for the State.

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 14<sup>th</sup> JULY, 2020**

**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. Perused the papers. The applicant has been convicted by the learned Special Judge (C.B.I.), Mumbai vide Judgment and Order dated 14<sup>th</sup> February, 2020, for the offence punishable under Sections 13(2) r/w

13(1)(e) of Prevention of Corruption Act. The maximum sentence imposed by the trial Court is 3 years and payment of fine, in default to suffer imprisonment for 6 months. Pursuant to his conviction and sentence by the trial Court, the trial Court suspended the sentence of the applicant, till the appeal period was over. It is not in dispute that the applicant was on bail throughout the trial and that he has not abused or misused the liberty granted to him. The sentence awarded is a short term sentence. 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.

4. 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 released on cash bail in the sum of Rs.25,000/-, for a period of eight weeks;
- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

iii) The Applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

iv) 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;

v) 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.

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

6. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

***REVATI MOHITE DERE, J***