

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1378 OF 2021
ALONGWITH
INTERIM APPLICATION NO. 1379 OF 2021
IN
CRIMINAL APPEAL NO. 143 OF 2021**

Anand Shivram Tambe	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. P.K.Sanghrajka i/b Mr. Rajeev Sawant for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 7th MAY, 2021
(Through Video Conferencing)

P.C. :

1. Heard learned counsel for the parties.

- 2 By these applications, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3 The applicant, along with other co-accused, vide judgment and order dated 10th December 2020 passed by learned Special Judge, Kolhapur, in MPID Case No. 1/2013, has been convicted and sentenced as under:-

- for the offence punishable under Section 420 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 120B of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, to suffer rigorous imprisonment for 6 years and to pay fine of Rs.1,00,000/-, in default of payment of fine, to undergo simple imprisonment for 6 months;

- for the offence punishable under Section 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.3,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.3,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months;

All the sentences were directed to run concurrently.

4 It is not in dispute that the applicant was on bail pending trial and has not misused or abused the liberty granted to him. The applicant has deposited the fine amount as awarded by the trial Court. The appeal has been admitted by a separate order passed today. The sentence awarded

is a short term sentence.

5 Having heard learned counsel for the applicant, the applicant has prima facie, made out a case for suspension of his sentence and enlargement on bail.

6 Accordingly, the applications are 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. 50,000/-, 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. 50,000/- with one or two local solvent sureties in the like amount;

iii) 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;

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.

7 The applications are disposed of accordingly.

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

REVATI MOHITE DERE, J.