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

***CRIMINAL INTERIM APPLICATION NO.733 OF 2021
IN
CRIMINAL APPEAL NO.188 OF 2021***

1. Rajnikant Sukhi Mahato
 2. Pammirani Rajnikant Mahato ...Applicants
- Versus
- The Central Bureau of Investigation and Anr. ...Respondents

Mr. Vikas Kapile a/w Ms. Nipa Shah, for the Applicants.

Mr. Kuldeep S. Patil, Spl. P. P. for the Respondent No.1 – CBI.

Ms. S. V. Sonawane, A.P.P for the Respondent No.2 – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MARCH, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek suspension of their sentence and enlargement on bail, pending the hearing and final disposal of their appeal.
3. The applicants vide Judgment and Order dated 6th January 2021, passed by the learned Special Judge (CBI), Greater Bombay in CBI

Special Case No. 03 of 2010, have been convicted and sentenced as under:-

- The applicant No.1 is convicted for the offence punishable under Section 13(2) r/w Section 13(1)(e) of Prevention of Corruption Act and sentenced to suffer simple imprisonment for 3 years and to pay fine of Rs.50,000/- in default of payment of fine, to undergo further simple imprisonment for 3 months ;
- The applicant No.2 is convicted for the offence punishable under Section 109 of the Indian Penal Code r/w Section 13(2) r/w Section 13(1)(e) of Prevention of Corruption Act and sentenced to suffer simple imprisonment for 2 years and to pay fine of Rs.20,000/- in default of payment of fine, to undergo further simple imprisonment for 1 month.

4. Perused the papers. It appears that the applicants were on bail, pending trial and even post their conviction their sentences were suspended by the trial Court. 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. It is informed that the fine amount is deposited.

5. Considering the aforesaid, the application is allowed and the applicants sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall report to the trial Court, once in four months on the day/date specified by the trial Court, till their Appeal is finally disposed of;
- iii) The Applicants shall keep the trial Court informed of their 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.