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

***CRIMINAL INTERIM APPLICATION NO.901 OF 2021
IN
CRIMINAL APPEAL NO.235 OF 2021***

Sandeep Shankar Pote ...Applicant
Versus
CBI, Through ACB Mumbai (Customs) and Anr. ...Respondents

Mr. Rajagopal Sellamutha a/w Mr. Pandia Rajan V. Yadav, for the Applicant.

Mr. H. S. Venegavkar, for the Respondent No.1 – CBI.

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent No.2– State.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th MARCH, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant vide Judgment and Order dated 4th February 2021, passed by learned Special Judge (CBI), Court Room No.53, Greater

Bombay, in CBI Special Case No. 27 of 2012, has been convicted and sentenced as under:-

- for the offence punishable under Section 420 r/w 120B of the Indian Penal Code, to suffer simple imprisonment for 1 year and to pay fine of Rs.5,000/- in default of payment of fine, to undergo further simple imprisonment for 1 month.

4. 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 not in dispute that the applicant was on bail pending trial and post his conviction his sentence has been suspended. It is also not in dispute that whilst on bail, the applicant has not abused or misused the liberty granted to him.

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.15,000/- with one or two sureties in the like amount;

ii) 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;

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.