

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL INTERIM APPLICATION NO.1042 OF 2021****IN****CRIMINAL REVISION APPLICATION NO. 85 OF 2021**

Hanumanthrao V. Kharat

... Applicant

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Rajan Shirodkar, Senior Counsel a/w Mr. Archit Sakhalkar and Mr. C. J. Doveson for Applicant.

Mr. Sooraj S. Hulke, A.P.P. for Respondent-State.

Mr. Kuldeep Patil for the Respondent No.2-CBI.

CORAM : A.S. GADKARI, J.**DATE : 26th April 2021.****(Through Video Conferencing)****PC. :**

1. This is an application for suspension of sentence and releasing the

Applicant on bail.

2. Heard Mr. Shirodkar, learned Senior Counsel for the Applicant,

Mr. Hulke, learned A.P.P. for the Respondent-State and Mr. Patil, learned

Special P.P. for the Respondent No.2-CBI.

3. Applicant has been convicted under Section 420 of the Indian

Penal Code and is sentenced to suffer rigorous imprisonment for 5 years and

to pay a fine of Rs.50,000/-, in default of payment of fine to further suffer

simple imprisonment for 3 months, by the learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai in C.C. No.1046/PW/2009 by its Judgment and Order dated 4th December 2017.

Criminal Appeal No.763 of 2017 preferred by the Applicant has been dismissed by the learned Special Judge (C.B.I.), City Civil & Sessions Court, Greater Bombay, by its Judgment and Order dated 9th March 2021.

4. Mr. Shirodkar, learned senior counsel appearing for the Applicant submitted that, during the pendency of trial so also in Appeal the Applicant was released on bail and there is no report of breach of any of the conditions imposed upon him. He, on instructions, submitted that, the Applicant has already deposited the entire fine amount in the Registry of the Trial Court. He further submitted that, the applicant was released on temporary bail by this Court by its Order dated 21st April 2021 on the ground of demise of his father and he has promptly surrendered to the Jail Authorities as per condition imposed in the said Order. He submitted that, Applicant is aged about 63 years as of today. There are no antecedents at the discredit of Applicant. He therefore prayed that, the Applicant may be released on bail.

5. It is to be noted here that, by an Order dated 21st April 2021 the Applicant was granted emergency interim bail to perform last rights and obsequies ceremony of his father. The Applicant has surrendered to the Jail Authorities within stipulated period as per the condition imposed upon him in

the said Order dated 21st April 2021.

6. The sentence imposed upon the Applicant is a short term sentence. The possibility of hearing the present Revision Application on its own merits in near future is remote. In view thereof, the sentence imposed upon the Applicant can be suspended and he can be released on bail.

7. Hence, the following Order :-

- (i) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in C.C. No.1046/PW/2009 on his furnishing P.R. bond of Rs.25,000/-, with one or two local sureties in the like amount.
- (iii) Applicant is permitted to furnish cash bail of Rs.50,000/- for a period of 16 weeks from today and during the said period, the Applicant will have to comply the procedure of furnishing sureties.
- (iv) In the event, the Applicant furnishes sureties within stipulated period, the cash bail furnished by the Applicant of Rs.50,000/- be refunded to him within a period of one week from the date of his filing Application in that behalf.
- (v) During the pendency of the present Revision Application, if the Applicant changes his residential address, than which is mentioned in the cause-title of the present Application, in that event, he shall give intimation to the Respondent No.2-CBI promptly.

- (vi) Applicant is also directed to furnish his mobile number to the Respondent No.2-CBI.
- 8. Application is allowed in the aforesaid terms.
- 9. All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]