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

***CRIMINAL INTERIM APPLICATION NO.1062 OF 2021
(For Suspension of Sentence)***

IN

CRIMINAL APPEAL NO.288 OF 2021

WITH

***CRIMINAL INTERIM APPLICATION NO.1063 OF 2021
(For Bail)***

IN

CRIMINAL APPEAL NO.288 OF 2021

Leeladhar Aithu Bangera

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Ms. Shital Turakia, for the Applicant.

Mr. S. V. Gavand, A.P.P for the Respondent No.1– State.

Mr. H. S. Venegavkar, for the Respondent No.2 – CBI.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th MARCH, 2021

P.C. :

1. At the outset, learned counsel for the applicant seeks leave to delete prayer clause (b) in both the aforesaid applications, with liberty to file a fresh application with respect to the said prayer clause. Leave with liberty as prayed for, is granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

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

4. The applicant vide Judgment and Order dated 23rd February 2021, passed by learned Special Judge CBI, CBI, Special Court, City Civil and Sessions Court, Greater Bombay, in CBI Special Case No. 13 of 2013, has been convicted and sentenced as under:-

- for the offence punishable under Section 120B of the Indian Penal Code, to undergo rigorous imprisonment for 3 years and to pay fine of Rs.5,000/- in default, to undergo simple imprisonment for 6 months;
- for the offence punishable under Section 13(1)(e) r/w 13(2) of the Prevention of Corruption Act, to undergo rigorous imprisonment for 3 years and to pay fine of Rs.5,000/- in default, to undergo simple imprisonment for 6 months ;
- for the offence punishable under Section 193 of the Indian Penal Code, to undergo rigorous imprisonment for 2 years and to pay fine of Rs.3,000/- in default, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 468 r/w Section 471 of the

Indian Penal Code, to undergo rigorous imprisonment for 2 years and to pay fine of Rs.3,000/- in default, to undergo simple imprisonment for 3 months;

All the aforesaid sentences were directed to run concurrently.

5. 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. It is informed that the fine amounts have already been deposited by the applicant. Statement accepted.

6. Considering the aforesaid, 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 enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- 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.

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

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

REVATI MOHITE DERE, J.