

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

**INTERIM APPLICATION NO. 1119 OF 2021
IN
CRIMINAL APPEAL NO. 305 OF 2021**

Umesh Ramesh Jadhav

.... Applicant/Appellant

v/s.

The State of Maharashtra

.... Respondent

Mr. S.M. Oak i/b. Mr. Vinod V. Utekar for the Applicant.

Mrs. G.P. Mulekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JULY, 2021.

P. C. :-

. This is an Application under Section 389 of the Code of Cr.P.C. filed by the aforesaid Applicant for suspension of substantive sentence imposed by judgment dated 02/03/2021 passed by learned District Judge-2 and Additional Sessions Judge, Thane in Special MPID Case No.02/2013.

2. The Applicant has been convicted for offences punishable under Section 420 r/w. 34 of the Indian Penal Code (IPC) & Section 3 of the Maharashtra Protection of Interest of Depositors (MPID) Act and sentenced to undergo rigorous imprisonment for five years and to pay

fine of Rs.1,00,000/- in default to undergo simple imprisonment for six month. Being aggrieved by the conviction and sentence, the Applicant has filed this Appeal and has prayed for suspension of sentence and enlargement on bail pending final disposal of the Appeal.

3. The crime against the Applicant and the other co-accused was registered pursuant to the first information report lodged by one Sanjeev Narsing Naik. The first informant has stated that the Applicant herein was the agent of Sapphire Investment and Solutions Company belonging to co-accused Rajesh Singh. The Applicant had induced the investors to invest money in the said company by assuring high returns. It is alleged that the Applicant and the co-accused failed to repay money with assured benefits. It is seen that the co-accused who is the proprietor of the finance company, has been released on bail by this Court (Coram : Revati Mohite Dere, J.) by order dated 18/06/2021. Learned counsel for the Applicant states that since the main accused has been released on bail, the Applicant is also entitled on bail on the ground of parity. He further makes a statement that the Applicant shall deposit Rs.1,00,000/- before the Registrar, High Court, Appellate Side, Mumbai within a period of one week.

4. It is to be noted that the Applicant was on bail during the pendency of the trial and he has not misused the liberty granted to him. Appeal has been admitted and considering the fact that the Applicant has been awarded short term sentence and that final disposal of the Appeal is likely to take time particularly in view of COVID-19 pandemic. Hence, in my considered view, this is a fit case for suspension of substantive sentence pending hearing of the Appeal and enlarge the Applicant on bail.

5. Hence, the Interim Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court ;

(b) The Applicant shall deposit Rs.1,00,000/- before the Registrar, High Court, Appellate Side, Bombay prior to his release.

(c) The Applicant shall report to the Trial Court, once in six months on the day/date specified by the Trial Court, till the Appeal is finally

disposed of ;

(d) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) 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 Interim Application stands disposed of in above terms.

PREETI
H JAYANI

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Date: 2021.07.17
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(SMT. ANUJA PRABHUDESSAI, J.)