

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

**INTERIM APPLICATION NO.54 OF 2020
WITH
INTERIM APPLICATION NO.53 OF 2020
IN
CRIMINAL REVISION APPLICATION NO.10 OF 2020**

Ajay Nagindas Gandhi
V/S.

...Applicant/ Org. Accused

Central Bureau of Investigation
(EOW), Mumbai & Anr.

...Respondents/ Org. Complainant

Mr. Niranjan Mundargi i/b Jamshed Ansari for Applicant / Org. Accused.
Ms. Ameeta Kuttikrishnan for Respondent No.1 (CBI).
Mr. A. R. Patil, APP for Respondent No.2 (State).

CORAM : A. S. GADKARI, J.
DATE : 23rd MARCH, 2021.

P.C. :

1. These are Applications for suspension of sentence and releasing the Applicant on bail respectively.
2. Heard Mr. Mundargi, learned Advocate for the Applicant, Ms. Kuttikrishnan, learned Advocate for Respondent No.1 (C.B.I.) and Mr. Patil, learned APP for Respondent No.2 - State.
3. Applicant is convicted under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 and is sentence to suffer maximum simple imprisonment for five years and to pay a total fine of Rs.40,000/- by the

learned Additional Chief Metropolitan Magistrate's 3rd Court, Esplanade, Mumbai in C.C. No.1028/PW/2013 by its Judgment and Order dated 6th October 2017.

Criminal Appeal No.650 of 2017 preferred by the Applicant has been dismissed by the learned Special Judge (CBI), Greater Bombay by its Judgment and Order dated 13th December 2019.

4. Mr. Mundargi, learned Advocate for the Applicant on instructions submitted that, the Applicant has already deposited entire filed amount in the Registry of the Trial Court. He submitted that, the Applicant was released on Bail during the pendency of the trial so also in Appeal and there is no report of breach of any of the condition. He further submitted that, the Applicant as of today has undergone about one year of incarceration out of the total five years of sentence.

5. It is a fact of the record that, the Applicant has undergone about one year of incarceration out of the total sentence of five years. The Applicant was on bail during the pendency of the trial, so also in the appeal. The possibility of hearing of 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.

6. Hence the following order:-

- (a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.
- (b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.
- (c) After his release from Jail and during the pendency of the present Application, the Applicant shall attend office of CBI on every first Monday of the month between 10.00 a.m. and 12.00 noon, initially for a period of one year.

After end of one year, Applicant shall attend the office of the CBI on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. The Applicant thus, shall attend the office of CBI four times in a year during the pendency of the present Application.

- (d) Both the Applications are allowed in the aforesaid terms.

(A. S. GADKARI, J.)