

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

**CRIMINAL INTERIM APPLICATION NO.1214 OF 2021
IN
CRIMINAL APPEAL NO. 339 OF 2021**

Rajesh Rambali Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Anand Awasarmol i/by Ms. Anupama A. Kalaskar, for the Applicant.

Mr. P.H.Gaikwad-Patil, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 18th JUNE, 2021

(THROUGH VIDEO CONFERENCING)

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. The applicant (original accused No.4) alongwith other co-accused vide Judgment and Order dated 2nd March 2021, passed by

learned District Judge – 6 and Additional Sessions Judge, Thane, in Special MPID Case No. 2 of 2013 has been convicted and sentenced as under:-

- for the offence punishable under Section 420 r/w Section 34 of Indian Penal Code and under Section 3 of Maharashtra Protection of Interest of Depositors Act (MPID Act) to suffer rigorous imprisonment for 5 years and to pay fine of Rs.50 lakhs, in default of payment of fine, to undergo simple imprisonment for 1 year.

4. Learned Counsel for the applicant submits that the applicant had deposited Rs.18 lakhs in this Court when he was enlarged on bail. He submits that the applicant, without prejudice to his rights and contentions in the aforesaid appeal, is ready to deposit another Rs.7 lakhs in this Court. He submits that the applicant has filed an affidavit-cum-undertaking dated 5th May 2021, duly affirmed before the Superintendent, Thane Central Jail undertaking to deposit Rs.7 lakhs before the Registrar, High Court, Appellate Side, Mumbai in six monthly installments from May 2021 to October 2021. The said affidavit-cum-undertaking is taken on record. Learned Counsel for the applicant states that the installment of May 2021 i.e. Rs.1,50,000/- will be deposited by the applicant prior to his release in this Court and that the balance monthly installments from June 2021 to

October 2021 will be deposited in the last week of every month.

5. It is not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him. The trial Court has imposed a fine of Rs.50 lakhs whilst convicting and sentencing the applicant. It is a matter of record that Rs.18 lakhs have already been deposited by the applicant in this Court, whilst he was enlarged on bail by this Court. Learned Counsel for the applicant has filed an affidavit-cum-undertaking of the applicant dated 5th May 2021, duly affirmed before the Superintendent, Thane Central Jail stating therein that he will deposit Rs.7 lakhs before the Registrar, High Court, Appellate Side, Mumbai in six monthly installments from May 2021 to October 2021 i.e. Rs.1,50,000/- each in the month of May, 2021 and June, 2021 and Rs.1,00,000/- each from the month of July, 2021 to October, 2021. The applicant as such, without prejudice, will be depositing Rs.25 lakhs. It appears that the allegations as against the applicant are that the applicant cheated the depositors to the tune of Rs.24 lakhs. The Appeal has been admitted by this Court vide order dated 30th April, 2021 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.

6. 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.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall deposit the installment of May 2021 i.e. Rs.1,50,000/- prior to his release in this Court and shall deposit the balance monthly installments from June 2021 to October 2021, in the last week of every month i.e. Rs.1,50,000/- each in the month of May, 2021 and June, 2021 and Rs.1,00,000/- each from the month of July, 2021 to October, 2021;
- iii) The Applicant shall abide by the affidavit-cum-undertaking dated 5th May 2021;
- iv) The Applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

v) 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;

vi) 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 Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.