

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1324 OF 2021
IN
CRIMINAL APPEAL NO. 403 OF 2021

Bhavani Prasad Naidu	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prateek D. Sharma a/w Mr. Dujendrakumar H. Sharma for the Applicant.

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

None present for Respondent No.2/CBI.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd MAY, 2021
(Through Video Conferencing)

P.C. :

1. Learned Counsel for the applicant states that he has served the Respondent No.2/CBI. Statement accepted.
2. Despite service, none appears for the Respondent No.2/CBI.
3. Heard learned Counsel for the parties.

4. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.

5. The applicant alongwith other co-accused, vide judgment and order dated 23/02/2021 passed by the learned Special Judge (CBI), Court Room No.53, Greater Bombay, in CBI Special Case No.80 of 2014, has been convicted and sentenced as under :-

- for the offence punishable under Section 109 of the Indian Penal Code r/w Section 13(2) r/w Section 13(1)(e) of Prevention of Corruption Act, 1988, to suffer simple imprisonment for 1 year and to pay fine of Rs.25,000/-, in default to undergo further simple imprisonment for 2 months.

6. It appears that the applicant was on bail, pending trial and even post conviction, his sentence has been suspended by the Trial Court. It is not in dispute that whilst on bail, the applicant has not abused or misused the liberty granted to him. The appeal has been admitted by a separate order passed today in the aforesaid appeal. Despite notice, none appears for the Respondent No.2/CBI. The sentence awarded is a short term

sentence. The appeal is not likely to be heard in the immediate near future.

7. 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.15,000/- with one or two sureties in the like amount;
- ii) 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;
- 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.

8. The application is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.