

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1334 OF 2021
IN
CRIMINAL APPEAL NO. 415 OF 2021**

Kiran Narhari Cheulkar	...Applicant
Versus	
Central Bureau of Investigation and Anr.	...Respondents

Mr. Ankit Jain i/b Mr. Rajesh Jain for the Applicant.

Ms. Ameeta Kuttikrishnan for the Respondent No.1/CBI.

Mr. S.V.Gavand, A.P.P for the Respondent No.2-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 21st JUNE, 2021
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant (Original accused No.6) seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.

3. The applicant (Original accused No.6) alongwith other co-accused, vide judgment and order dated 24th March, 2021 passed by the learned Special Judge for CBI, Greater Bombay in CBI Special Case No. 21 of 2002, has been convicted and sentenced as under :-

- for the offence punishable under Section 420, 466, 467, 468 and 471 read with 120-B of the Indian Penal Code to suffer rigorous imprisonment for 2 years for each of the offence and to pay fine of Rs.75,000/- each i.e. a total amount of Rs.4,50,000/-, in default to undergo further simple imprisonment for 6 months.

All the substantive sentences were directed to run concurrently.

4 Learned Counsel for the applicant (Original accused No.6) submits that the applicant was on bail, pending trial and even post his conviction, his sentence has been suspended. He further submits that he has not abused or misused the liberty granted to him whilst on bail.

5. The sentence awarded is a short term sentence. The appeal has been admitted by a separate order passed today in the aforesaid appeal. The same is not likely to be heard in the immediate near future. The applicant was on bail pending the trial and even post his conviction, his sentence was suspended by the Trial Court.

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.25,000/- 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.

7. At this stage, learned Counsel for the applicant also prays that the direction to pay fine be suspended. Since there is no prayer seeking suspension of fine, the said prayer cannot be considered.

8. The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.