

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2296 OF 2021
IN
CRIMINAL APPEAL NO.454 OF 2021

Pramod Bapu Keluskar
versus
The State of Maharashtra

Applicant

Respondent

Mr.Prabhanjay R. Dave, Advocate, for applicant-appellant.
Mr.Y.Y.Dabake, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th September 2021

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant has preferred Criminal Appeal No.454 of 2021 challenging judgment and order dated 22nd March 2021 passed by learned Additional Sessions Judge, Mumbai in Sessions Case No.135 of 2011. The applicant is convicted for offence u/s.255, 260 and 467 of Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and pay fine of Rs.9,000/- on each count. He is also convicted for the offence u/s.466 and 468 of IPC and sentenced to suffer rigorous imprisonment for five years and fine of Rs.6,000/- for each offence. For the offence u/s.465, 471 and 420 of IPC, he has been sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.3,000/- on each count. All the substantive sentences were directed to run concurrently.

2. The appeal preferred by the applicant has been admitted by this Court and pending for final disposal.

3. Learned counsel for applicant submitted that the applicant has good case on merits. The conviction imposed upon him is under challenge. The applicant is in custody for a period of about three years and eleven months. In the present case he was arrested on 6th July 2010 and granted bail vide order dated 28th July 2010. Thus, during the said period he was in custody. Subsequently he was arrested in another case registered for offence under MCOC Act in the year 2015 and he remained in custody till he was acquitted on 21st September 2021. He is convicted in the present case on 22nd March 2021.

4. Learned APP submitted that the applicant has been convicted based on evidence adduced before Trial Court. Although he was on bail during trial, now there is judgment of conviction against him.

5. The case of prosecution is that loan was disbursed to accused no.1. For 19 months installments were paid. Thereafter he stopped payment of EMI. It was revealed that sale deed produced by accused was fabricated. It was not registered. Power of attorney was false. The contention of applicant is that it is not proved that applicant prepared false documents. PW-8 has stated that applicant is the owner of flat.

6. It is relevant to note that maximum sentence which has been imposed by the Trial Court is up to seven years. The applicant was on bail during trial from 2010 till he surrendered in MCOC case. It is not reported that there was misuse of bail. Thereafter for a substantive period he was in custody. For about three years and

eleven months, the applicant has been in custody. The appeal has been admitted and it may not come for hearing immediately. The applicant has raised several grounds challenging the judgment of conviction. Learned counsel for applicant submits that total fine amount in respect to all the convictions is to the tune of Rs.48,000/- and the applicant undertakes to deposit the said amount within six weeks from the date of his release. The statement is accepted.

7. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) During pendency of Criminal Appeal No.454 of 2021 , the sentence of imprisonment awarded to the applicant by Additional Sessions Judge, Mumbai vide order dated dated 22nd March 2021 in Sessions Case No.135 of 2011, is suspended and the applicant is directed to be released on bail in on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall deposit fine amount of Rs.48,000/- within six months from the date of release;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of sureties.

(PRAKASH D. NAIK, J.)

MST