

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

**INTERIM APPLICATION NO.2339 OF 2021
IN
CRIMINAL APPEAL NO.791 OF 2021**

Milind Shamsundar Birje

...Applicant

Versus

CBI ACB Mumbai and Anr.

...Respondents

....

Mr. V.N. Shingnapurkar for the Applicant.

Mr. Kuldeep Patil, Spl.Counsel for Respondent No.1/CBI

Mr. Ajay Patil, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th OCTOBER, 2021.

P.C.:-

By this application under Section 389 of the Code of Criminal Procedure, 1973, the Applicant herein has sought suspension of sentence pending hearing of the appeal, imposed by judgment dated 16/09/2021 passed by learned Special Judge, CBI, Greater Bombay, in J-CBI Spl. Case No.23 of 2016 and to enlarge the Applicant on bail.

2. Heard learned counsel for the Applicant, learned APP for the Respondent-State and learned special counsel for Respondent -CBI. Perused the records.

3. By the impugned judgment, the Applicant has been held guilty of offence under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The maximum sentence imposed is of four years and fine. Learned counsel for the Applicant states that fine amount has already been deposited.

4. The sentence is a short term sentence. Considering the large pendency and also considering the present situation arising due to Covid-19 pandemic, it will not be possible to hear the appeal in immediate future.

5. Considering the above facts, the application is allowed on following terms and conditions:-

- (i) The substantive sentence imposed vide judgment dated 16/09/2021 passed by learned Special Judge, CBI, Greater Bombay, is suspended pending disposal of the appeal;
- (ii) The Applicant be released on cash bail in the sum of Rs.20,000/- for a period of two months.
- (iii) The Applicant shall within the said period of two months, furnish PR bonds in the sum of Rs.20,000/- with one or two sureties in the like amount.

- (iv) The Applicant shall report to the Trial Court, once in three months on the day/date specified by the Trial Court;
- (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 report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail;

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)