

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

**INTERIM APPLICATION NO. 2634 OF 2021
IN
CRIMINAL APPEAL NO. 888 OF 2021**

Subraya Rama Hegde @ S.R.
Hegde

.... Applicant

v/s.

The C.B.I., A.C.B., Pune
and anr.

.... Respondents

Mr. Dinesh P. Adsule for the Applicant.
Mr. H.S. Venegaonkar for Respondent No.1/CBI.
Mr. N.B. Patil, APP for the State – Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th NOVEMBER, 2021.

P. C. :-

. This is an Application under Section 389 of Cr.PC. filed by the aforesaid Applicant seeking suspension of substantive sentence imposed by judgment dated 05/10/2021 in Special (CBI, ACB) Case No.09/2018. By the impugned judgment, the learned Special Judge, (CBI-ACB), Pune has held the Applicant guilty of offence under sections 420, 468 r/w. section 120-B and section 120-B of the Indian Penal Code and under section 13(1)(d) r/w. section 13(2) of Prevention of Corruption Act and sentenced him to undergo maximum imprisonment

of five years with fine of Rs.50,000/- each in default to undergo simple imprisonment for one year.

2. The sentence imposed is a short term imprisonment. Appeal has been admitted. Considering the large pendency of the cases and also the situation arising from Covid-19 pandemic, it will not be possible to take up the Appeal in immediate future. The Applicant was on bail during the pendency of the trial and he has not misused the liberty. Considering the above facts and circumstances so also the nature of accusations, this is a fit case for suspension of substantive sentence pending hearing of the Appeal. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Execution of substantive sentence imposed against the Applicant by judgment dated 05/10/2021 in Special (CBI, ACB) Case No.09/2018, is suspended pending hearing of the Appeal ;

(b) The Applicant shall be released on bail on furnishing P.R. Bonds in the sum of Rs.20,000/- with one or two solvent sureties in the like amount to the satisfaction of the Trial Court ;

(c) The Applicant shall report to the Trial Court once in two months on the day/date specified by the Trial Court, till the Appeal is finally disposed of ;

(d) The Applicant shall keep the trial Court informed of his current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) 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 application seeking cancellation of bail.

3. Interim Application stands disposed of accordingly.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.11.17
15:00:32 +0530

(SMT. ANUJA PRABHUDESSAI, J.)