

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

**INTERIM APPLICATION NO. 2806 OF 2021
IN
APPEAL NO. 945 OF 2021**

Sujit Ramesh Rao @ Nitesh
Sanjeeva Shetty ..Appellant/Applicant

v/s.

The State of Maharashtra & Anr. ..Respondent/s

Mr. Gaurav Bhavnani i/b. Abdul Wahab Khan for the Applicant.
Mr. N.B.Patil, APP for the Respondent-State.

**WITH
INTERIM APPLICATION NO. 2785 OF 2021
AND
INTERIM APPLICATION NO. 2786 OF 2021
IN
APPEAL NO. 939 OF 2021**

Lohit Suresh Anchan ..Appellant/Applicant

v/s.

The State of Maharashtra & Anr. ..Respondent/s

Not on Board. On production taken on board.

Mr. Vinay Bhanushali for the Applicant.

Mr. N.B.Patil, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd NOVEMBER, 2021.**

P.C.

1. By these applications filed under Section 389 of Cr.P.C. the

Applicants who are the original Accused Nos.1 and 2 have sought suspension of sentence imposed by judgment dated 9.11.2021 in MCOC Special Case No.21 of 2015. By the impugned judgment the learned Special Judge, MCOCA, Gr. Mumbai has held the Applicants guilty of offences under Section 120-B and 387 r/w. 120-B of Indian Penal Code, and sentenced the Applicants to undergo rigorous imprisonment for 7 years and to pay fine of Rs.50,000/- each in default to suffer rigorous imprisonment for three months of the offence punishable under Section 120-B of the IPC.

2. Heard learned Counsel for the Applicant and the learned APP for the State.

3. The records reveal that the Applicants have already undergone imprisonment for a term of 6 years, 4 months and 20 days. Moreover, they have been acquitted of the offence under Section 3(1)(ii), 3(2) and 3(4) of the MCOC Act, 1999. Considering the fact that the Applicants have served substantial part of sentence, in my considered view, this is a fit case for suspending the sentence pending the disposal of the appeal. Hence the application is allowed on the following terms and conditions:-

- i) Sentence imposed against the Applicants by judgment dated 09.11.2021 in Special Case No. 21 of 2015 is suspended pending hearing of the appeal;
- ii) The Applicants are ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount;
- iii) The Applicants shall deposit 50% of the fine amount within a period of 6 weeks from the date of this order;
- iv) The Applicants 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 on;
- (v) The Applicants shall keep the trial Court informed of their current address and mobile/contact numbers 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 a report to the High Court and the prosecution would be at liberty to file application seeking

cancellation of bail;

(vii) The Applicants shall not leave the country without prior permission of the Court.

. The Applications stand disposed of accordingly.

Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
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(ANUJA PRABHUDESSAI, J.)