

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

**INTERIM APPLICATION NO. 3008 OF 2021
IN
CRIMINAL APPEAL NO. 1011 OF 2021**

Sudhir Brihaspati Mandal	 Applicant
v/s.	
The Central Bureau of Investigation, Mumbai & anr.	 Respondents

Mr. B.G. Tangsali i/b. Mr. Hitesh Patel for the Applicant.
Mr. Kuldeep Patil for Respondent No.1 (CBI).
Mr. P.H. Gaikwad, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th DECEMBER, 2021.

P. C. :-

. This is an Application under section 389 of Cr.PC. filed by the aforesaid Applicant for suspension of sentence imposed by judgment dated 22/11/2021 passed by the Special Judge (CBI), Greater Bombay in CBI Special Case No.28/2005.

2. Heard Mr. B.G. Tangsali, learned counsel for the Appellant, Mr. Kuldeep Patil, learned counsel for CBI and Mr. P.H. Gaikwad, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant who is the accused no.2 in the said case has been held guilty of offences under section 420 r/w. 120-B, 471 r/w. 120-B and 120-B of the Indian Penal Code. The maximum sentence imposed against the Applicant is imprisonment of three years with total fine of Rs.3,00,000/-. The sentence imposed is of short term imprisonment. 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. It is stated that the Applicant was on bail during trial. He has not violated the terms and conditions of the bail. Considering the above facts and circumstances, this is a fit case for suspension of sentence pending hearing of the Appeal. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Sentence imposed against the Applicant by judgment dated 22/11/2021 in CBI Special Case No.28/2005, 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 deposit 50% of the fine amount before the Special CBI Court, Greater Bombay within two weeks from today.

(d) 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 ;

(e) 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 ;

(f) 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.

4. Interim Application stands disposed of accordingly.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.12.13
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(SMT. ANUJA PRABHUDESSAI, J.)