

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

**INTERIM APPLICATION NOI. 3129 OF 2021
IN
APPEAL NO. 1035 OF 2021**

Vasant Manaji Parkhe

..Applicant

v/s.

Central Bureau of Investigation
& Anr.

..Respondent/s

**WITH
INTERIM APPLICATION NO. 3133 OF 2021
IN
APPEAL NO. 1036 OF 2021**

Sunil B. Jadhav s/o. Bhujangrao Jadhav

..Applicant

v/s.

Central Bureau of Investigation
& Anr.

..Respondent/s

Mr. Pravin D. Patel for the Appellants/Applicants .
Mr. Kuldeep Patil for the Respondent No.1/CBI.
Mr. P.H.Gaikwad, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 21st DECEMBER, 2021.**

P.C.

1. The Applicants herein have filed these Applications under Section 389 Cr. P.C. for suspension of sentence imposed by judgment dated 22.11.2021 in CBI Special Case No. 28 of 2005,

Gr.Mumbai. By the impugned judgment the Applicants, who were

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accused Nos.3 and 4 have been held guilty of offences under Section 13(1)(d) r/w. 13(2) of Prevention of Corruption Act and have been sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.1,00,000/- each i.d. to suffer simple imprisonment for 3 months.

2. Heard learned Counsel for the Applicants and the learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The Appeals are admitted. The records reveal that the Applicants have been sentenced to undergo short term imprisonment of One year. The Appeals are of the year 2021 and are not likely to come up for final hearing in the next couple of years due to large pendency of old cases, and the current situation arising from COVID 19 pandemic. Hence, rejection of the applications will result in the Applicants undergoing the sentence of imprisonment even before the Appeals are heard on merit.

4. The Applicants were on bail during pendency of the trial. There is nothing on record to indicate that the Applicants have violated the terms and conditions of the order. Hence, in my considered view, this is a fit case to suspend the sentence pending the disposal of the Appeals on merit. Hence the Applications are allowed on the following terms and conditions:-

i) Sentence imposed against the Applicant Nos.3 and 4 by judgment dated 22.11.2021 in CBI Special Case No. 28 of 2005, Gr.Mumbai is suspended pending hearing of the Appeals;

ii) The Applicants are ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court;

iii) The Applicants shall deposit 50% of the fine amount before the trial Court within three weeks;

iv) The Applicants shall report to the Trial Court once in two months on the day/ date specified by the Trial Court, till the

Appeals are finally disposed of;

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.

. Both Applications are accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)