

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 444 OF 2021

(Ramchandra s/o Madari Katkanwar, Nagpur Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.D. Muley, Advocate for the appellant.
Shri S.M. Ghodeswar, A.P.P. for the respondent/ State.

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CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 26, 2021.

Heard.

2] Admit.

3] Shri S.M. Ghodeswar, learned A.P.P.
waives service of notice for the respondent/ State.

4] Call R & P

CRIMINAL APPLICATION (APPA) NO. 608/2021.

5] This is an application filed by the applicant seeking suspension of sentence and grant of bail pending decision of the aforesaid Appeal, which has been preferred against the judgment of conviction dated 24/09/2021 passed by the Special Judge under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (“**MPID Act**”) in Special (MPID) Case No.4/2002,

whereby the applicant was convicted for the offence punishable under Sections 420 and 406 of the Indian Penal Code (“**IPC**”), Section 3 of the MPID Act and Sections 45(S) and 58(B)(5-A) of the Reserve Bank of India Act, 1934 (“**Act of 1934**”) and sentenced to suffer as under :

Sections	Sentence
Section 420 of IPC	Five years R.I. with fine of Rs.10,000/-, in default, to suffer three months S.I.
Section 406 of IPC	Two years R.I. with fine of Rs.5,000/-, in default, to suffer one month S.I.
Section 3 of MPID Act	Five years R.I. with fine of Rs.1,00,000/-, in default, to suffer six months S.I.
Sections 45(S) and 58(B) (5-A) of the Act of 1934	One year R.I. with fine of Rs.1,000/-, in default, to suffer fifteen days S.I.

6] Shri Muley, learned counsel for the applicant, submits that the applicant was on bail during trial, and that he has deposited amount of Rs.1,16,000/- on 11/10/2021. He submits that the applicant is a senior citizen, aged around 76 years, and thus prayed for releasing him on bail.

7] Shri Ghodeswar, learned A.P.P., fairly submits to pass an appropriate order considering the nature of crime and the sentence imposed.

8] We have considered the rival submissions put forth on behalf of both the sides.

9] Considering the fact that the maximum sentence imposed upon the applicant is of imprisonment of five years, passed for the offence punishable under Section 420 of the IPC along with allied offences as above, so also considering the fact that the applicant was on bail during trial for about 18 years and that he has not misused his liberty, coupled with the fact that as the Appeal is of the year 2021 and there is no likelihood of its early disposal, we are of the opinion that by imposing suitable conditions, the applicant can be released on bail. Hence, the following order :

ORDER

i] The Criminal Application is allowed.

ii] The execution of substantive sentence shall remain suspended, pending decision of this Appeal.

iii] The applicant be released on bail on his furnishing P.R. bond in the sum of Rs.50,000/- (rupees fifty thousand) to the satisfaction of the concerned trial Court.

PUSHPA V. GANEDIWALA, J.
Sumit

M.S. SONAK, J.