SHAGUFTA Q PATHAN
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 789 OF 2019
(FOR BAIL)
WITH
CRIMINAL APPLICATION NO. 790 OF 2019
(FOR SUSPENSION OF SENTENCE)
IN
CRIMINAL APPEAL NO. 731 OF 2019

Shantilal Tarachand Chouhan ...Applicant
Versus
Central Bureau of Investigation & Anr. ...Respondents

Mr. M. M. Chaudhri for the Applicant

Mr. H. S. Venegavkar for the Respondent No.1–CBI

Mr. A. R. Kapadnis, A.P.P for the Respondent No. 2-State

CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.
MONDAY, 27th JUNE 2022

P.C. :

1 Heard learned counsel for the parties.

2 By these applications, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3 The applicant (original accused No.5), along with other co-accused, vide judgment and order dated 26th April 2019 passed by learned Special Judge (CBI), Greater Bombay, in Special Case No. 69/2005, has been convicted and sentenced as under:-

- for the offence punishable under Section 420 r/w 120B of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 2 years;

- for the offence punishable under Section 466 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 2 years;

- for the offence punishable under Section 467 of the Indian Penal Code, to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for two years;

- for the offence punishable under Section 468 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 1 years;

- for the offence punishable under Section 471 of the Indian Penal Code, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for six months;

- for the offence punishable under Section 419 of the Indian Penal Code, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 6 months;

- for the offence punishable under Section 120B of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 2 years.

All the aforesaid sentences were directed to run concurrently.

4 The allegation as against the applicant is that he impersonated a non-existing person for some property documents and also submitted forged documents to the Bank, on the basis of which, credit facility was given by the Bank. It appears that there are 8 accused in the said case, who faced trial. The applicant, alongwith 4 other accused (private individuals); co-accused – Bhagwanji Dayaram Joshi (original accused No.6), who was working as an Assistant General Manager, Bank of India, Mandavi Branch; accused No.7-G.K. Sarma, also a Bank Officer [Processing Officer (Credit)], who expired during the pendency of the appeal and accused No.8-Yunus Memon, who was a Lawyer on the Bank's Panel, were all prosecuted for the aforesaid offences.

5 This Court, vide order dated 21st March 2022, suspended co-accused Bhagwanji's sentence and enlarged him on bail on certain terms and conditions. Similarly, sentence of accused No.8 Yunus Memon (a Lawyer) was suspended and he was enlarged on bail. It is not in dispute that the credit facility of Rs.2.50 lakhs given to the accused was subsequently repaid by them. It is not in dispute that the applicant was on bail pending trial and has not misused or abused the liberty granted to him, whilst on bail. The appeal has been admitted vide order dated 15th May 2019 and the same is not likely to be heard in the immediate near future. The sentences of the similarly placed co-acccused, who were also convicted for the said offences, have been suspended and they are enlarged on bail.

6 Considering the aforesaid, the applications are allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

(i) The applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 1,00,000/- with one or two sureties in the like amount;

(ii) The applicant shall deposit his passport, if any, with the Investigating Officer before his release on bail;

(iii) The applicant shall furnish his residential address and contact number to the Investigating Officer, before his release on bail;

(iv) The applicant shall report to the Investigating Agency's Office at Mumbai, once in two months, till the disposal of his appeal.

7 The applications are disposed of accordingly.

8 All concerned to act on the authenticated copy of this order.

V. G. BISHT, J. **REVATI MOHITE DERE, J.**