

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

**INTERIM APPLICATION NO.2560 OF 2022
[THROUGH JAIL]
IN
CRIMINAL APPEAL NO.922 OF 2021**

Pragnesh Pravinchand Mehta

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

Ms. Savita M. Yadav, appointed Advocate for Applicant.

Smt. M. R. Tidke, APP for the Respondent No.1-State.

Mr. Kuldeep S. Patil, Spl.PP for Respondent No.2-CBI.

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CORAM : SARANG V. KOTWAL, J.

DATE : 06th OCTOBER, 2022

P.C. :

This application is filed through jail. The appeal filed by the applicant is already admitted. This Court (Coram: Smt. Anuja Prabhudesai, J.) vide order dated 26.11.2021 passed Interim Application No.2747 of 2021 in Criminal Appeal No.922 of 2021 granted bail in pending his appeal. The sentence imposed against him by the judgment and order dated 12.10.2021 in CBI Special Case No.01 of 2017 was suspended. The applicant was directed to be released on bail on furnishing

PR. Bond of Rs.15,000/- with one or two sureties in the like amount.

2. The applicant was convicted for the commission of offences punishable under Section 120-B of IPC and under Sections 420 read with 120-B of IPC. For offence under Section 120-B, he was sentenced to suffer RI for six months and to pay fine of Rs.2 lakhs and in default to undergo SI for one month. For offence punishable under Section 420 read with 120-B of IPC, he was sentenced to suffer RI for 4 years and to pay fine of Rs.15 lakhs and in default to undergo SI for one year. Thus, the major punishment was 4 years as substantive sentence because all the substantive sentences were directed to run concurrently. The in-default sentence for non payment of total fine amount of Rs.17 lakhs was for one year and one month.

3. While granting bail during pendency of the appeal, the applicant was directed to deposit 50% of the fine amount within four months from date of this order i.e. from 26.11.2021. This

order was passed because the applicant himself had made a statement that he would deposit 50% of the fine amount within a period of four weeks from the date of this order. It was further observed that if the applicant failed to deposit that amount within four months, suspension of sentence of fine stood revoked without further reference to the Court. There were other conditions of reporting to trial court etc.

4. Now this application is filed through jail. It is mentioned that he was unable to pay half of the fine amount i.e. the amount of Rs.7,50,000/- and he remained in jail. It is mentioned that he was an under trial prisoner from 26.07.1998 to 06.03.1999 and then from 14.8.2016 to 06.08.2017. After conviction he was taken into custody and thus, till today it appears that he has completed around more than 2 years and 7 months in prison. The total sentence including in-default sentence would be five years one month. In spite of an order granting bail in his favour, the applicant continues to be in jail. It does appear that the applicant is unable to deposit the fine

amount as was directed on his own statement.

5. Learned Special PP very fairly conceded that the respondent No.2 CBI has no objection if the payment of entire fine amount is suspended.

6. Considering that the appeal is not likely to be decided within a short period, the appellant's continued detention in jail pending his appeal would not be justified. Therefore, I am inclined to relax that condition which is mentioned in clause (iii) of the order dated 26.11.2021 and I am inclined to stay deposit of the entire fine amount.

7. Hence the following order:

O R D E R

- (i) Till final disposal of Criminal Appeal No.922 of 2021, the sentence imposing payment of fine amount is also suspended apart from suspension of his substantive sentences.
- (ii) The other clauses in the operative part of the order dated

26.11.2021 in Interim Application No.2747 of 2021 in Criminal Appeal No.922 of 2021 are maintained as they are.

- (iii) Thus, the applicant shall be entitled to be released on bail on those conditions with the aforesaid modification.
- (iv) With these directions, Interim Application is disposed of.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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by
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