

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1183 OF 2019
IN
CRIMINAL APPEAL NO.1537 OF 2019

Atul Mathurdas Chatwani and others	Applicants
versus	
The State of Maharashtra and another	Respondents

WITH
CRIMINAL APPEAL NO.1345 OF 2019

Mahaveer Prasad Bhandari	Appellant
versus	
The State of Maharashtra	Respondent

Mr.Prakash V. Vare, Advocate for applicants.
Mr.Kuldeep S. Patil, Advocate for respondent no.2-CBI
Mrs.S.V.Gavand, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th May 2022

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.1537 of 2019 preferred by applicants challenging judgment and order dated 24th September 2019 passed by Special Judge-CBI, for Greater Bombay.

2. The applicants were arraigned as accused nos.1 and 2. They are husband and wife. They were convicted for the offence u/s.420 r/w 120B of IPC and sentenced to suffer imprisonment for 1 year and pya fine of Rs.50,000/- each. They were further convicted for the offence u/s.120B of IPC and sentenced to suffer imprisonment

for 6 months and pay fine of Rs.25,000/- each. The total fine amount imposed upon applicants is Rs.2,50,000/-.

3. The applicants were on bail during trial. The sentence was suspended on the date of conviction, however, since the sentence was not suspended by this Court so far and fine amount was not deposited, vide order dated 20th April 2022 the Trial Court was directed to initiate appropriate proceedings against applicants.

4. Learned counsel for applicants submit that applicants have deposited total fine of Rs.2,50,000/- on 26th April 2022. The photographs of the receipts issued by Trial Court of depositing the fine amount are produced.

5. Learned advocate for respondent-CBI submit that applicants had availed the facility of bail without depositing amount of fine for a long period. There is sufficient evidence against applicants.

6. It is noticed that maximum imprisonment imposed by the Trial Court is 1 year and now the fine amount is deposited by applicants. Accused no.3 had preferred application for suspension of sentence before this Court, which has been allowed vide order dated 21st March 2022. Considering the aforesaid circumstances, this application for suspension of sentence and grant of bail can be granted.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 24th September 2019 by learned Special Judge (CBI),

Greater Bombay in Special Case No.112 of 2019 is suspended and applicants are directed to be released on bail on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants are permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;

(iv) The applicants shall attend Trial Court once in six months on first Saturday of the month till disposal of the Criminal Appeal;

(v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;

(vi) In the event of default committed by the applicants in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST