

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

**CRIMINAL APPLICATION (APPA) NO. 75/2022 IN
CRIMINAL APPEAL NO. 48/2022**

(Rajesh S/o Badrinarayan Parikh Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Avinash Gupta, Sr. Advocate assisted by Shri Aakash Gupta, Advocate
for applicant.
Shri M. J. Khan, APP for non-applicant.

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 03.02.2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This is an application for suspension of sentence and bail after conviction. The applicant was prosecuted for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, Section 120-B of the Indian Penal Code with Section 3 the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act ('MPID Act') and Section 72 of the Information Technology Act ('I.T. Act'). The applicant was held guilty for offence punishable under Section 3 of the MPID Act, Sections 420, 467, 648, 471 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous

imprisonment for 3 years and to pay fine of Rs. 500/-, in default, to suffer simple imprisonment for 15 days on each count. The applicant is also held guilty for offence punishable under Section 72 of the I. T. Act and sentenced to suffer rigorous imprisonment for 1 year. It is contended that the applicant was on bail during pendency of the trial. There are no allegations against the applicant that he has misused of liberty granted to him. It is contended that after conviction, the applicant is ordered to be released on bail for a period of one month which expires on today. It is contended that the applicant is ready to attend the hearing of appeal regularly.

3. On the other hand, learned APP sought time for filing reply. He objected for release of accused on bail.

4. Heard learned counsel for the applicant and learned APP on behalf of State. Perused impugned judgment and order. The applicant is sentenced to suffer rigorous imprisonment for 3 years on each count. He was on bail during the pendency of trial. There are no allegations of abuse of liberty granted to him. Similarly, he was released on bail after conviction for a period of one month. The appeal may not hear during short period, therefore, in my opinion, the applicant is entitled for suspension of sentence and bail. Hence, I pass the

following order:-

(I) This application stands allowed and disposed of.

(II) Sentence of applicant stands suspended. The applicant is ordered to be released on bail on executing P. R. Bond of 25,000/- with one surety in the like amount with a direction to attend the hearing of this appeal regularly.

(SURENDRA P. TAVADE, J)