

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

**INTERIM APPLICATION NO. 147 OF 2023
IN
CRIMINAL APPEAL NO. 31 OF 2023**

Hakam Chand Mendiratta	..Applicant
Versus	
The State of Maharashtra	..Respondent

Ms. Paavani Chadha for Applicant.
Mr. S. R. Agarkar, APP for State/Respondent No.1.
Mr. Aayush Kedia i/b. H. S. Venegavkar for Respondent No.2/CBI.

**CORAM : SARANG V. KOTWAL, J.
DATE : 8 FEBRUARY 2023**

PC :

1. This is an application for bail pending final disposal of Appeal. The Applicant has preferred Criminal Appeal No.31 of 2023 before this Court challenging the Judgment and order dated 19/12/2022 passed by learned Special Judge, CBI in CBI Special case No.92 of 2012. The Applicant was convicted for commission of offence punishable U/s.7 of the Prevention of Corruption Act, 1988 read with Section 120B of the I.P.C. and he was sentenced to suffer S.I. for six months and to pay a fine of Rs.500/- and in default of payment of fine to suffer S.I. for two months. The

applicant was acquitted from the charges U/s.13(2) r/w. 13(1)(d) of the P.C. Act and U/s.420 of the I.P.C.

2. Heard Ms. Paavani Chadha, learned counsel for the Applicant, Shri. Agarkar, learned APP for the State/Respondent No.1 and Mr. Aayush Kedia, learned counsel for the Respondent No.2/CBI.

3. Apart from the Applicant there was one more accused Mani Bhushan in the trial, but he died during pendency of the trial and, therefore, the trial proceeded only against the present applicant.

4. The prosecution case is that the applicant was a retired public servant and was working with the Punjab National Bank before his retirement. After his retirement he was working as recovery agent in that bank. The prosecution case is that the complainant's property was auctioned. The applicant suggested to him that he should meet the accused No.1 and if the bribe is paid to him then auction could be cancelled. The complainant approached C.B.I. and lodged his complaint. A trap was laid and

the accused No.1 was found having accepted the amount of Rs.1.80 crores. The applicant was present with the accused No.1. On this basis the prosecution was launched.

5. Learned counsel for the applicant submitted that the applicant had not accepted the amount. Though, the demand is sought to be proved through the recorded conversation, but the expert who was examined during trial had no qualification to give opinion about the voice. She further submitted that the charge was not specifically framed U/s.7 of the P.C. Act. Learned counsel pointed out that the applicant is 77 years of age. The sentence is short. The Appeal is not likely to be decided within a short period. The Applicant was on bail during trial. Even after his conviction he was granted bail U/s.389 of the Cr.p.c.

6. Learned counsel for the C.B.I. opposed this application on merits, but he conceded that the sentence is short and the appeal is not likely to be decided within that period.

7. I have considered these submissions. All the points raised by learned counsel for the applicant will have to be decided

at the final hearing stage. The sentence is short and the appeal is not likely to be decided within that period. The applicant was on bail during trial and even after his conviction he was granted bail U/s.389 of the Cr.p.c. by the trial Court. The applicant is 77 years of age. Considering all these aspects, the applicant can be granted bail pending his Appeal.

8. Hence, the following order:

O R D E R

i) During pendency and final disposal of Criminal Appeal No.31 of 2023, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.50000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)