

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

**INTERIM APPLICATION NO.142 OF 2023
IN
CRIMINAL APPEAL NO.28 OF 2023**

Hemant N. Sheth

.... Applicant

versus

C.B.I./B.S. & F. C./Mumbai & Anr.

.... Respondents

.....

- Mr. Prashant Parsurampur a/w Aalam Parsurampur a/w K. Thakar, Advocate for Applicant.
- Mr. Kuldeep S. Patil, Advocate for CBI/Respondent No.1.
- Smt. M. R. Tidke, APP for the State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th FEBRUARY, 2023

P.C. :

1. This is an application for bail pending final disposal of the Applicant's Criminal Appeal No.28 of 2023 preferred by the Applicant challenging the order dated 20/12/2022 passed by the Special Judge (CBI), Greater Mumbai, in CBI Special Case No.76 of 2000.

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2. The Applicant was convicted for commission of offence punishable u/s 120-B, 420, 467, 468, 471 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment of one month.
3. Heard Mr. Prashant Parsurampururia, learned counsel for the Applicant, Mr. Kuldeep S. Patil, learned counsel for the Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.

There were two more accused in this case. The Applicant was the original accused No.3. The prosecution case is that the Bank Manager of Dahisar Branch of Canara Bank, had permitted bill discounting and cheque discounting facilities to the accused, who took advantage and siphoned off the amount. On this basis, they faced the charges.

4. Learned counsel for the Applicant submitted that the defence witness examined on behalf of the Applicant shows that

the 'no due certificate' was issued by the bank and the bank had not suffered any loss. Instead, the Applicant had to suffer the entire process of trial.

5. Learned counsel for the CBI as well as learned APP opposed this application on merits. However, they conceded that the sentence is short.
6. Learned counsel for Applicant submitted that the Applicant was on bail during trial and he has not misused the same. The offence has allegedly taken place in the year 1997-98. Even after his conviction he was granted bail u/s 389 of Cr.P.C. There are no other criminal antecedents against the Applicant.
7. Considering these submissions, it does appear that the sentence is short and the Applicant was on bail for a long period. There are no other allegations against him. The Applicant therefore deserves to be granted bail during pendency of his Appeal.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.28 of 2023, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)