

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

**INTERIM APPLICATION NO. 364 OF 2023
IN
CRIMINAL APPEAL NO. 79 OF 2023**

Mr. J. J. Gowda	..Appellant.
Versus	
Central Bureau of Investigation & Anr.	..Respondents

Mr. Murtaza M. Khokhawala a/w. Megha Puralkar for Appellant.
Mr. Kuldeep Patil for CBI/Respondent No.1.
Mr. S. R. Agarkar, APP for State/Respondent No.2.

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

PC :

1. This is an application for bail pending final disposal of Criminal Appeal No.79 of 2023. The Applicant has challenged the Judgment and order dated 20/12/2022 passed by learned Special Judge (CBI), Greater Bombay, in CBI Special Case No.8 of 2001. The Applicant was convicted for commission of offence punishable under sections 120B r/w. 420, 467, 468 and 471 of the I.P.C. and was sentenced to suffer R.I. for three months and to pay a fine of Rs.5000/- and in default of payment of fine to suffer R.I. for one month. He was also convicted for commission of offence

punishable U/s.409 of the I.P.C. and was sentenced to suffer R.I. for three months and to pay a fine of Rs.5000/- and in default of payment of fine to suffer S.I. for one month. The Applicant was also convicted for commission of offence punishable U/s.13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988 and was sentenced to suffer R.I. for one year and to pay a fine of Rs.5000/- and in default of payment of fine to suffer R.I. for one month. All the substantive sentences were directed to run concurrently.

2. The prosecution case is that the applicant was a Branch Manager of Canara Bank, Dahisar (E) Branch. He had allowed the bill discounting facility to one Damania. The said Damania was the accused No.2 in this case, but he had passed away and, therefore, only the applicant faced the trial. The allegations are that the applicant had allowed the bill discounting facility to said Damania; that facility was misused and the amounts transgressing the limit were utilized by Damania. The allegations are that the applicant did not report this transgression to the Circle Office, as was required under the procedure.

3. Learned counsel for the applicant submitted that the evidence of Divisional Manager Mr. Baliga shows that, most of these facts were reported to the Circle Office except a few instances. This shows that there was no criminal intention on the part of the applicant. Most of the amount was also paid back by Damania and, therefore, the bank has not really suffered any loss in this transaction. He further submitted that the applicant was on bail during trial. Even after his conviction, he was granted bail U/s.389 of the Cr.p.c. The applicant is 75 years of age. The Appeal is not likely to be decided within a short period.

4. Learned Special Counsel for the CBI opposed this application on merits. However, he conceded that the sentence imposed is short and the applicant is aged person.

5. I have considered these submissions. The issues raised by learned counsel for the applicant will have to be decided at the final hearing stage. However, the sentence imposed 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. Therefore, considering all these factors, the applicant can be granted bail pending his appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.79 of 2023, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)