



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 571 OF 2023
IN
CRIMINAL APPEAL NO.211 OF 2023

Sandeep Patil @ Tudor Richard Niamey @.... Applicant /
Suresh Nagraj Appellant

Versus

The Central Bureau of Investigation and.... Respondents
anr.

.....

Mr. Veerdhaval Deshmukh a/w Mr. A. V. Konde-Deshmukh for
the Applicant / Appellant.

Mr. Kuldeep Patil for the CBI.

Mr. A. R. Patil, Addl. P.P. for the Respondent – State.

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CORAM : NITIN B. SURYAWANSHI, J

DATED : 8 November 2023

P.C. :

1. This is application for suspension of sentence and grant of bail during the pendency of the Criminal Appeals preferred by the applicant challenging the judgment and conviction.

2. Applicant is convicted by the Special Judge (CBI-ACB) Pune in Spl. Case No.142 of 2021 under Sections 120B, 420, 465, 468, 471 of the Indian Penal Code, 1860 and sentenced to suffer five years of rigorous imprisonment and to pay fine.

Vina Khadpe

3. Heard learned counsel for the applicant, learned counsel for the CBI and learned Addl. PP for the respondent – state.

4. Perused the record. Admittedly, the applicant has already undergone two years and ten months of imprisonment out of five years of substantial sentence of imprisonment imposed on him. It is submitted on behalf of the applicant that the fine amount is already deposited.

5. Learned counsel appearing for the CBI strenuously opposed the application by contending that the applicant was absconding for more than thirteen years and therefore he does not deserve any relief. Upon instructions, he states that the residential address of the wife and daughter of the applicant is verified by CBI and the same is given by the wife which is mentioned in the Aadhar Card. Both, the wife and daughter are residing on the said address. Learned counsel further submits that in case this Court is inclined to consider favorably the application, then the stringent conditions may be imposed on the applicant.

6. Perused the record. Considering the fact that the applicant has already served almost half of the sentence imposed on him and in the present matter, the applicant is convicted for a short

term sentence, the application deserves to be allowed. Hence, the following order :-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed on the applicant vide judgment and order dated 1 April 2022 in Spl. Case No.142 of 2021 is suspended during the pendency of this Appeal.
- (iii) Applicant - Sandeep Patil @ Tudor Richard Niamey @ Suresh Nagraj be released on bail on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iv) Applicant shall attend the local police station twice in a month on the first and second Sunday between 10.00 am to 12 noon.
- (v) Applicant shall furnish residential address proof and cell number to the concerned police station.

(NITIN B. SURYAWANSHI, J.)