

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

**INTERIM APPLICATION NO. 1416 OF 2023
WITH
INTERIM APPLICATION NO. 3068 OF 2023
IN
CRIMINAL APPEAL NO. 447 OF 2023**

Pravin V. Bharathan ...Applicant
Versus
Central Bureau Of Investigation And Anr. ...Respondents

Mr. Ashok Mundargi, Senior Counsel i/by Mr. Avinash Rasal
a/w Mr. Akshay A. Salvi, Advocate for the Appellant.

Mr. Amit Munde, Special P. P. a/w Jai Vohra for CBI, COW
(Mumbai) for Respondent No.1.

ETHAPE
DNYANESHWAR
ASHOK
Digitally signed
by ETHAPE
DNYANESHWAR
ASHOK
Date: 2023.10.17
19:39:00 +0530

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 17th OCTOBER 2023

PC.:

1. Learned Special Judge (CBI) has convicted applicant under Sections 420, 468 read with 120-B of the Indian Penal Code, 1860 in (CBI) Special Case No. 60 of 2004 and sentenced him to suffer rigorous imprisonment for five years and to pay total fine amount of Rs. 2.5 crores.

2. Learned Senior Advocate for the applicant submits that there are serious lacuna's in the prosecution case. Seizure memos are not proved. Investigating officer as well as

informant are not examined. There is no material to prove the charge against the applicant. He submits that during the course of investigation as well as trial applicant was never arrested. He further submits that the exorbitant fine is imposed on the applicant. All the companies of applicant are closed. The applicant is in custody since last more than 9 months and therefore he is not in a position to deposit the fine amount. Hence, he submits that the application may be allowed.

3. Learned Advocate for CBI strenuously opposed the application. He submits that the applicant is accused No.1 and he is the main beneficiary and kingpin. Since he is involved in commission of economic offence, he does not deserve to be released on bail.

4. Appeal is already admitted and the sentenced imposed on the applicant is a short term sentence, in the light of decision of the Apex Court in the case of Bhagwam Rama Shinde Gosai And Ors Vs. State Of Gujarat (1999) SCC (Cri.) 553, all the co-accused in the present case are already released on bail. No exceptional ground is made out for not suspending the sentence.

5. Hence, the following order:-

(i) Substantive sentence of imprisonment imposed vide judgment and order dated 9th March 2023 passed by Special Judge (CBI) in Special Case No. 60 of 2004 is suspended during the pendency of the appeal. Applicant be released on bail on executing PR bond in the sum of Rs. 1,00,000/- with one or more sureties in the like amount.

(ii) The applicant shall not leave India without prior permission of this Court and surrender his passport with the trial Court.

(iii) Application stands disposed off.

(NITIN B. SURYAWANSHI, J.)