

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1835 OF 2023
IN
CRIMINAL APPEAL NO. 574 OF 2023

Mahesh Nagarajan ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr. Mihir Gheewala a/w Mr. Farhad Panthaki and Mr. Santosh Pawar, Advocates for Applicant.

Mr. Kuldeep S. Patil, Special P. P. for Respondent-CBI.

Mrs. P. P. Shinde, APP for the Respondent-State.

ETHAPE
DNYANESHWAR
ASHOK

Digitally signed
by ETHAPE
DNYANESHWAR
ASHOK
Date: 2023.10.20
18:40:56 +0530

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

PC.:

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

2. Applicant has been convicted vide judgment and order dated 9th March 2023 passed by learned Special Judge (CBI), Greater Bombay in (CBI) Special Case No.60 of 2004, under Sections 471, 420, 468 read with 120-B of the Indian Penal Code, 1860. Applicant has been sentenced to suffer rigorous

imprisonment for three years and to pay total fine amount of Rs.24 lakhs.

3. Learned Advocate for Applicant submits that applicant is original accused No.2. There are serious lacunas in the prosecution case. Applicant has deposited entire fine amount. His sentence is suspended by the trial Court on the date of conviction. Applicant is on bail. There are no criminal antecedents against the applicant. Hence, he submits that the application may be allowed.

4. Learned Advocate for CBI strenuously opposed the application. He submitted that applicant is involved in commission of economic offence and the conspiracy of all the accused persons is proved by the prosecution case in the trial Court, he does not deserve to be released on bail.

5. Appeal is already admitted. Sentence imposed by the trial Court is of short term. Applicant was on bail during the trial. The sentence of imprisonment was suspended on the date of conviction by the trial Court in accordance with Section 389 of Cr.P.C. and the said order is continued by this Court. Appeal would not be taken up for hearing in near future, application therefore, deserves to be allowed.

6. Hence, the following order:-

(i) Interim Application is allowed.

(ii) 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 and applicant is directed to be released on same bail granted by the trial Court with fresh bond.

(iv) Applicant shall furnish his present address and cellphone number with the Investigating Officer of CBI.

(NITIN B. SURYAWANSHI, J.)