IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.216 OF 2019
IN
CRIMINAL APPEAL NO.1287 OF 2019

Rajendra Marutrao Patil ...Applicant
Versus
Central Bureau of Investigation and Anr. ...Respondents

Mr. Kunal Pednekar a/w Mr. Divesh Mehani i/b Mr. Aniket Vagal, for the Applicant.

Ms. Ameeta Kuttikrishnan, for the Respondent No.1 - CBI.

Ms. S. S. Kaushik, A.P.P for the Respondent No.2 – State.

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 29th AUGUST 2023

P.C. ***:***

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3. The applicant, vide Judgment and Order dated 25th April, 2019, passed by the learned Special Judge (CBI), Greater Mumbai, in Special Case No. 113 of 2010, has been convicted and sentenced for various offences i.e. for the offences punishable under Sections 420, 466, 467, 468, 471 of the Indian Penal Code. For the offence punishable under Section 467 of the Indian Penal Code, the applicant has been sentenced to suffer imprisonment for life and to pay fine of Rs.1,00,000/-, in default, to suffer simple imprisonment for two years. This is the maximum sentence imposed on the applicant. Different sentences are awarded for the other offences.

All the said sentences are directed to run concurrently.

4. Perused the papers. The applicant alongwith other co-accused were charged for several offences. It is the prosecution case that the petitioner secured loan for 15 Skoda cars from Andhra Bank; that for the said purpose, the petitioner opened two accounts, one in the name of Autograph Cars India Private Limited and other in his

fictitious name. It is the prosecution case that after securing loan from the Andhra Bank, the petitioner diverted funds from Autograph Cars India Private Limited, in his account, which stood in the fake name and in the accounts of other persons. In the said case, the Branch Manager who sanctioned the loan, was arrested, so was the guarantor and the persons who impersonated to be the owner of Autograph Cars India Private Limited. It is further the prosecution case, that accused No.6 prepared forged documents which were used in the commission of the offence. In all, nine accused were arrested, out of which, three were acquitted and the rest convicted.

5. It is not in dispute that all the other accused have been enlarged on bail. The applicant is in custody since 2015. The applicant's appeal was admitted on 10^{th} October, 2019 and the same is not likely to be heard in the immediate near future.

6. Since the applicant, on one occasion, prior to his arrest, had absconded, we directed the applicant to file an Affidavit of

Undertaking. Accordingly, the learned Counsel had filed Affidavit of Undertaking of the applicant, duly affirmed before the Jailor, Nashik Central Prison. The same was taken on record.

7. Since the affidavit filed by the applicant was not properly drafted, learned counsel for the applicant had sought time to file a fresh affidavit of the applicant on the next date, giving proper undertaking. Accordingly, vide order dated 7^{th} July 2023, we permitted the applicant to file a proper undertaking duly affirmed before the Superintendent of Nashik Road Central Prison. Pursuant thereto, the learned counsel for the applicant has tendered an affidavit-cum-undertaking of the applicant dated 25^{th} July 2023 duly affirmed before the Circle Jailor, Nashik Road Central Prison. The same is taken on record.

8. In the said affidavit-cum-undertaking, the applicant has undertaken to reside in the address mentioned in the clause 2 of the affidavit-cum-undertaking i.e. Kale Wasti, At-Sadatpur, Post-

Gogalgaon, Tal:Sangamner, Sadatpur, Ahmednagar, Loni Bk. Maharashtra-413736. He has also undertaken to inform the Central Bureau of Investigation in case of change in his place of residence and to report to the office of the CBI, as per the terms and conditions imposed by this Court.

9. Considering that all the accused, (except the applicant) sentences have been suspended and they are enlarged on bail and also having regard to the fact that the applicant is in custody since 2015, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :-

<u>ORDER</u>

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount; surety.

ii) The Applicant shall report to the office of the CBI, once in four months on the day/date specified by the CBI, till his Appeal is finally disposed of;

iii) The Applicant shall keep the CBI informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) The applicant shall surrender/deposit his passport, if any, before the CBI, before his release;

v) The applicant shall not leave the country without the permission of this Court.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.

11. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J. ***REVATI MOHITE DERE, J.***