



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

**INTERIM APPLICATION NO. 813 OF 2024
IN
CRIMINAL APPEAL NO. 177 OF 2024**

APPA TATOBA PHADKE

..APPLICANT

VS.

1. CENTRAL BUREAU OF INVESTIGATION

2. STATE OF MAHARASHTRA

..RESPONDENTS

Mr. Ramdas Hake-Patil, for the Applicant.

Mr. Kuldeep S. Patil a/w Mr. Ashish Kumar Srivastava, for
CBI- Respondent No.1.

Mr. B.B. Kulkarni, APP for the State- Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 29, 2024

P.C. :

1. This is an application for suspension of the sentence and for enlarging the applicant on bail.

2. The applicant was convicted by the judgment and order dated 24/01/2024 passed by the trial Court and sentenced to suffer rigorous imprisonment and fine of Rs. 1 lakhs. The fine amount has been paid. For the various offences, maximum punishment imposed is 1 year rigorous imprisonment. The applicant has already undergone 11 months sentence. There is nothing on record to indicate that the applicant has misused the liberty while on bail.

3. Learned counsel for the respondent no.1 opposed the application. It is submitted that the order is passed by the trial Court after appreciation of evidence on record. Considering the seriousness of the charges proved, the application be rejected.

4. The appeal is not likely to be heard any time soon considering the pendency of appeals earlier filed. I am inclined to suspend the sentence and enlarge the applicant on same bail as before the trial Court but with fresh bonds.

5. The sentence imposed by the trial Court is suspended.

6. The applicant is enlarged on same bail as before the trial Court but with fresh bonds.

7. The applicant shall report to the trial Court once in a year i.e. first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing from April 2024.

8. The applicant shall not leave India without permission of this Court.

9. The applicant shall surrender his passport, if any, to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

10. On being released on bail, the applicant shall furnish

his contact number and residential address to the trial Court as well as the investigating officer and shall keep them updated, in case there is any change.

11. The interim application is disposed of.

(M. S. KARNIK, J.)