

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

**INTERIM APPLICATION NO.1054 OF 2022
IN
CRIMINAL APPEAL NO.322 OF 2022**

Sunil Hanmantrao Shirole Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Dinesh P. Adsule i/b. Nitin P. Deshpande a/w Rachana Harpale, Advocate for Applicant.
- Mr. Kuldeep S. Patil, Advocate for Respondent No.1/CBI.
- Mr. Yogesh Y. Dabke, APP for the State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th AUGUST, 2022**

P.C. :

1. This is an application for bail during pendency and final disposal of the Criminal Appeal No.322 of 2022. The Applicant was the original accused No.1. He is an advocate by profession. The Special Judge CBI, Sessions Court, Greater Bombay, vide his judgment and order dated 31/01/2022 passed in CBI Special Case No.63 of 2012 had convicted the Applicant

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for commission of offence punishable u/s 419 r/w 120-B and 420 r/w 120-B of the Indian Penal Code and u/s 8 of Prevention of Corruption Act, 1988. He was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.3,000/-, in default of payment to suffer simple imprisonment for six months. He was also sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.3,000/- in default to suffer simple imprisonment for six months. He was also convicted for the offence punishable u/s 420, 120-B of the Indian Penal Code. All the sentences were directed to run concurrently.

2. The case of prosecution is that the Applicant in connivance with the original accused No.4 who was daughter of a public servant demanded money to pay a public servant for getting a favourable order. The defence of the accused – Applicant was of total denial. However, at the conclusion of the trial, he was convicted and sentenced as mentioned earlier.

3. As pointed out by learned counsel for the Applicant, the co-accused i.e. accused No.4 is granted bail pending hearing and final disposal of the Appeal vide order dated 24/06/2022 passed in Criminal Interim Application No.1631 of 2022 in Criminal Appeal No.625 of 2022. The sentence is short and the Appeal is not likely to be taken up for final disposal within a short period. Co-accused is already granted bail. The role of the accused and the co-accused is almost equal. Learned counsel for the Applicant submits that the fine is already paid.

4. Learned APP has opposed this application. Considering the short sentence and the bail granted to the co-accused, the Applicant can also be granted bail.

5. Hence, the following order :

ORDER

- (i) During pendency of final hearing and disposal of the Criminal Appeal No.322 of 2022, the

Applicant is directed to be released on bail on his furnishing P. R. Bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount.

- (ii) During pendency of the Appeal the Appellant is directed to attend the office of the Respondent No.1 on 1st Monday of every month for a period of one year and thereafter on 1st Monday of every third month.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)