

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

**INTERIM APPLICATION NO. 1231 OF 2022
WITH
INTERIM APPLICATION NO. 1230 OF 2022
IN
CRIMINAL APPEAL NO. 389 OF 2022**

Rajesh Ranjan ...Applicant/Appellant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Madhukar P Dalvi Advocate for the Applicant/Appellant.

Mr. Arfan Sait, APP for the Respondent No.1 – State.

Mr. Kuldeep Patil, Special P.P. for the Respondent No.2- CBI.

**CORAM : PRAKASH D. NAIK, J.
DATE : 26th APRIL, 2022.**

PER COURT:

1. These are applications for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.389 of 2022.

2. The applicant has been convicted for offences punishable under Sections 120-B, r/w 419, 420 384 of Indian Penal Code (for short “IPC”) and Section 8 of the Prevention of Corruption Act, 1988. The maximum sentence of imprisonment has been imposed for a period of three years.

3. The case of the prosecution is that the complainant had received the genuine notice from the CBI and the accused represented him that they were settled the dispute.

4. The complainant approached the applicant and took him to the co-accused who impersonated himself as the CBI Officer and the amount of Rs.50,00,000/- was taken from him.

5. The contention of the learned counsel for the applicant is that the maximum sentence imposed upon the applicant is for a period of three years. The applicant was on bail during the trial. There is no adverse report about misuse of facility of bail. The appeal may not reach for hearing immediately. The fine amount has been deposited. The applicant has not impersonated himself as CBI officer. The alleged role attributed to the applicant is that he took the complainant to the co-accused.

6. Learned counsel for Respondent No.1 submitted that there is sufficient evidence to show that the applicant and the co-accused had acted in connivance with each other. One more case is registered and pending against the applicant.

7. It is noted that the sentence is of three years. The appeal has been admitted. The appeal may not reach for hearing immediately. The applicant was on bail during the trial.

Considering these circumstances, sentence of imprisonment can be suspended and the bail can be granted to the applicant.

8. Hence, I pass the following order:

ORDER

- i.** Interim Application No. 1231 of 2022 and 1230 of 2022 are allowed;
- ii.** During the pendency of Criminal Appeal No.389 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 08th February, 2022 passed by learned Special Judge, CBI, CBI Special Court, Gr. Bombay in CBI Special Case No. 68 of 2013 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- iii.** The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for a period of eight weeks in lieu of surety.
- iv.** The applicant shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;

v. In the event, there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail.

vi. Both Interim Applications are disposed of accordingly.

(PRAKASH D. NAIK, J.)