

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

**INTERIM APPLICATION NO. 2870 OF 2022
IN
CRIMINAL APPEAL NO. 866 OF 2022**

Kripa Sagar Das s/o. Guna Sagar Das & Anr. ..Appellant
Versus
Central Bureau of Investigation ..Respondent

Mr. Pranil Sonawane a/w. Sunny Udasi i/b. KLS Legal for Appellant.
Mr. H. S. Venegaonkar, Spl. P. P. for C.B.I./Respondent.
Mr. P. H. Gaikwad, APP for State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21st SEPTEMBER 2022**

PC :

1. This is an application with following prayer:
 - a) The Hon'ble court be pleased to allow the present application whereby the execution of impugned order of sentence of imprisonment imposed on the Applicants as well as order of sentence of fine by way of forfeiture of assets u/s. 452 Cr.PC. r/w. 16 of PC Act, be suspended and the Applicants be released on bail pending the hearing and final disposal of Criminal Appeal.
2. This is a composite prayer for different reliefs. Hence, I

am only considering the suspension of substantive sentence and release of the applicants on bail during pendency and final disposal of their Appeal. It is clarified that forfeiture of the properties is not stayed by this order.

3. The Appellants were convicted and sentenced as follows:

- a) The Appellant No.1 was convicted for commission of offence punishable U/s.13(2) r/w. Section 13(1)(e) of the Prevention of Corruption Act, 1988 and was sentenced to suffer S.I. for 3 years and to pay a fine of Rs.50000/- and in default of payment of fine to suffer further S.I. for 3 months.
- b) The Appellant No.2 was convicted for commission of offence punishable U/s.13(2) r/w. Section 13(1)(e) of P.C. Act and was sentenced to suffer S.I. for one year and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer further S.I. for one month.

4. By the impugned Judgment and order the properties

worth Rs.35,96,644/-, which were termed as disproportionate assets, were directed to be forfeited to the State Government U/s.452 of Cr.p.c. r/w. Section 16 of the P.C. Act. Both the appellants were granted set of U/s.428 of Cr.p.c.

5. Learned counsel for the Applicants submitted that the applicants were on bail during trial and they have not misused the liberty. Both of them were granted bail U/s.389(3) of Cr.p.c. even after their conviction. He submitted that, they have good case on merits. So far as, amount of Rs.30 lakhs in cash is concerned, it is explained by the applicants that, that amount was given to the applicant No.1's brother in law. There are withdrawals from his brother in law's account maintained with Axis Bank. He submitted that, Learned trial Judge has not properly appreciated this evidence.

6. Learned Special Public Prosecutor opposed this application, but he conceded that the maximum punishment is of a short duration.

7. I have considered these submissions. Some arguable

points are raised which will have to be decided during final hearing of appeal preferred by the applicants. The maximum sentence imposed is of three years. The appeal is not likely to be decided within that period. The applicants have not misused the liberty. Therefore, they can be granted bail during pendency and final hearing of the appeal. It is clarified that, neither payment of fine nor forfeiture of properties is stayed. For those reliefs the applicants can prefer other proceedings in accordance with law.

8. Hence, the order:

- a) During pendency and final disposal of Criminal Appeal No.866 of 2022, both the applicants are directed to be released on bail on their executing PR. bonds of Rs.30000/- each with one or two sureties each in the like amount.
- b) The Application, strictly in the aforesaid terms, is disposed of.

(SARANG V. KOTWAL, J.)