

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

**INTERIM APPLICATION NO.3174 OF 2022  
IN  
CRIMINAL APPEAL NO.948 OF 2022**

Rajesh Harishchandra Dahanukar ..... Appellant  
Versus  
The Union of Indian & Anr. .... Respondents

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Mr. Mandar Soman, Advocate a/w. Divakar Rai, Rupesh Gaonkar, R.S. Rane, for the Applicant.

Mr. H.S. Venegaokar, Special Counsel for Respondent No.1- UOI.

Mr. Yogesh Y. Dabke, APP for the Respondent No.2-State.

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**CORAM : SARANG V. KOTWAL, J.  
DATE : 26<sup>th</sup> SEPTEMBER, 2022**

**P.C. :**

1. Leave to amend. Amendment to be carried out forthwith.

2. This is an application for suspension of sentence and releasing the applicant on bail during pendency and final disposal of Criminal Appeal No.948/2022.

3. Heard Shri Mandar Soman, learned counsel for the applicant, Shri H.S. Venegaokar, learned Special Counsel for respondent No.1 and Shri Yogesh Dabke, learned APP for

the respondent No.2-State.

4. The applicant was the original accused No.5 in CBI Special Case No.33/2018 on the file of the Special Judge, CBI, Greater Bombay. At the conclusion of the trial, the applicant, who was accused No.5, was convicted for commission of offences punishable under Section 120-B read with 420 of IPC and was sentenced to suffer RI for three years and to pay fine of Rs.1,000/- and in default to suffer SI for three months. The applicant was acquitted from the charges of commission of offences punishable under Sections 467, 468, 471 of IPC.

5. Learned counsel for the applicant submitted that the fine amount is already paid. He submitted that the sentence is short and the appeal is not likely to be decided in near future. On merits, he submitted that the applicant was a private person and the allegations against him are that he had introduced the main beneficiary i.e. accused No.1 Vijay Chaudhari to the bank officers. Accused No.1 had obtained loan of Rs.50 Lakhs on the basis of forged Kisan Vikas Patras

causing loss to the bank.

6. Learned counsel for the applicant submitted that even the applicant was not aware that those Kisan Vikas Patras were forged. This is clear from the fact that he is acquitted from the allegations of commission of offences punishable under Section 467, 468 and 471 of IPC.

7. He submitted that the main witness against him is PW-17 one Jatin Padaya, who was his own employee, but, even his version does not show that the applicant was aware of the forgery.

8. Learned Special Counsel for the CBI opposed this application. However, he could not controvert the fact that the sentenced awarded is short and the applicant is acquitted from the charges of forgery.

9. I have considered these submissions. Whether the applicant was aware of the forged documents or not and to what extent he had played any role in helping the accused No.1 in procuring the loan is a subject matter of the appeal which will be decided at the final hearing stage. The

applicant was on bail during trial and there are no allegations that he has misused the same. Even after his conviction, he was released on bail under Section 389(3) of Cr.P.C.. The sentence is short and the appeal is not likely to be decided within a period of three years. On merits, the applicant appears to have an arguable case.

10. Considering all these aspects, the applicant has made out a case for release on bail during pendency and final disposal of his appeal. Hence, the following order :

**:: O R D E R ::**

- i. During pendency and final disposal of Criminal Appeal No.948/2022, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Digitally signed  
by  
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Deshmane (PS)