

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

**INTERIM APPLICATION NO. 3420 OF 2021
IN
CRIMINAL APPEAL NO.1059 OF 2021**

Sujit Kumar Sinha

...Applicant/
Appellant.

Versus

State of Maharashtra And Anr.

...Respondents

Mr. Sudeep Pasbola i/by Mr. Ayush Pasbola, Advocate for the Appellant/Applicant.

Mr. Harsh Dedhia i/by Mr. H. S. Venegavkar, Special P. P. for CBI.

Mrs. M. M. Deshmukh, PP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th JANUARY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail pending the hearing and final disposal of the appeal preferred by the applicant challenging the Judgment and order dated 17th December, 2021 passed by the learned Special Judge, CBI in CBI Special Case No.1 of 2016 convicting the applicant for offences punishable under Section 7 of Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for 4 years with fine of Rs.5,000/-. He is also convicted for offences under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to rigorous imprisonment for four years with

fine of Rs.5,000/-. Both the sentences were run concurrently.

2. The appeal challenging the conviction has been admitted. Learned counsel for the applicant submitted that the applicant was on bail during the trial and he has not misused the facility of bail. The applicant has good case on merits. There are discrepancies in the evidence. The evidence suffers from various contradictions and omissions. The prosecution has not proved the charge beyond doubt. The appeal may not come up for hearing within short span of time and if the sentence is not suspended, the appeal would become infructuous.

3. Learned Advocate for the respondent No.2 submitted that the accused has been prosecuted for the aforesaid offences. On the basis of the evidence, the trial Court has convicted him. The prosecution has adduced scientific evidence which has supported the prosecution case. The other witnesses have corroborated the prosecution case. The offence is of serious nature. Loss has been caused to the government.

4. As noted herein above, the appeal challenging conviction is admitted and it would come up for hearing in due course. The sentence imposed by the trial Court is four years imprisonment. The appellant has urged that the trial

Court judgment suffers from serious infirmities and he has good case on merits. The applicant was on bail during the trial.

5. In view of the above, sentence of imprisonment can be suspended and bail can be granted to the applicant.

ORDER

- i. Interim Application No. 3420 of 2021 is allowed;
- ii. Pending hearing and final disposal of criminal appeal No. 1059 of 2021, sentence of imprisonment awarded vide Judgment and order dated 17th December, 2021 passed by learned Special Judge, CBI Special Court, in CBI Special Case No. 1 of 2016 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 security in the sum of Rs.50,000/- for a period of eight weeks in lieu of surety.
- iv. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)