

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3399 OF 2021
IN
CRIMINAL APPEAL NO.1054 OF 2021

Khurshid Mubbashar Asgar Ali Mir ...Applicant/
Appellant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr. Hassnain Kazi Sayyed, Advocate for the Applicant/Appellant.

Mr. Kuldeep S. Patil, Special P. P. for Respondent No.2 – CBI – ACB.

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

CORAM : **PRAKASH D. NAIK, J.**
DATE : **31st JANUARY, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.1054 of 2021.

2. The applicant is convicted for the offence under Section 120-B of Indian Penal Code (for short “IPC”) and sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.25,000/-. He is also convicted for offence under Section 8 of Prevention of Corruption of Act. (for short “PC Act”) and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.25,000/-.

3. The fine amount of Rs.50,000/- on both the counts has been deposited in the trial Court.

4. Learned counsel for the applicant submitted that the applicant was on bail during the trial. The fine is already deposited. The accused No.1 is convicted and sentenced to undergo imprisonment for two years for offence under Section 120(B) of IPC and Section 7 of the PC Act and three years for offence under Section 13(2) of PC Act. The co-accused had preferred an application and appeal for suspension of sentence before this Court which has been allowed by order dated 12th January, 2022.

5. Learned counsel for the respondent No.2 submitted that there is sufficient evidence on the basis of which the applicant has been convicted. It is noted that the sentence is of short term. The sentence of imprisonment imposed against accused No.1 has been suspended by this Court and bail has been granted to him. In these circumstances application can be allowed.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No.3399 of 2021 is allowed;

- ii.** During the pendency of Criminal Appeal No.1054 of 2021, the sentence of imprisonment imposed by the learned Special Judge (CBI-ACB), dated 30th November, 2021 in Special Case (ACB) No. 20 of 2018 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii.** The applicant is permitted to furnish cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- iv.** Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)