

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

**INTERIM APPLICATION NO.11 OF 2023
IN
CRIMINAL APPEAL NO.1 OF 2023**

Shekhar Madhukar Khomane

..Applicant

Versus

The Central Bureau of Investigation & Anr.

..Respondents

Mr. Tejas Mane, for the Applicant.

Mr. Aayush Kedia i/b H.S. Venegavkar for CBI/Respondent No.1.

Smt. M. R. Tidke, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 5th JANUARY 2023

PC :

1. This is an application for releasing the Applicant on bail during pendency of his Appeal. The Applicant was convicted and sentenced by learned Special Judge (CBI-ACB), Pune, vide his Judgment and order dated 14/12/2022 in Special (ACB) Case No. 09/2019. The applicant was convicted for commission of an offence punishable under section 7 of the Prevention of Corruption Act. He was sentenced to suffer R.I. for three years and to pay a fine of Rs.50000/- and in default of payment of fine to suffer S.I.

for three months.

2. The prosecution case is that the applicant was an Income Tax officer. He demanded Rs.1 lakh as bribe amount from one of the partners of M/s. Brightera Builders for giving favourable assessment order. The prosecution case is that, a trap was laid and the bribe money was found in a file on the table of the applicant. His hands also showed phenolphthalein powder.

3. Learned counsel for the applicant submitted that the applicant was on bail during trial and he has not misused the same. The Applicant does not have criminal antecedents. The Applicant was granted bail U/s.389 of the Cr.p.c. even after his conviction. He further submitted that the applicant had not accepted or demanded any bribe amount. The amount was kept in a file by the complainant without his knowledge. The complainant wanted to derive benefit by making allegations against the applicant so that his tax liability is not assessed properly.

4. Learned counsel for the Respondent No.1 opposed this application on merits. However, he conceded that the sentence

awarded is short.

5. I have considered these submissions. All the points raised by learned counsel for the applicant will have to be decided during final hearing stage of the Appeal preferred by the applicant. However, the Appeal is not likely to be decided within a short period of three years. The applicant was on bail during trial and even after his conviction he was granted bail U/s.389 of the Cr.p.c. Therefore, the applicant can be granted bail pending his appeal.

6. Hence, the following order:

O R D E R

i) During pendency and final disposal of Criminal Appeal No. 01 of 2023, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)