

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

**INTERIM APPLICATION NO.360 OF 2023
IN
CRIMINAL APPEAL NO.75 OF 2023**

Ashok Solanki Applicant

versus

Central Bureau of Investigation & Anr. Respondents

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- Mr. Vinay J. Bhanushali, Advocate for Applicant.
- Mr. Kuldeep S. Patil, Advocate for CBI/Respondent No.1.
- Mr. S. R. Agarkar, APP for State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by the Special Judge (CBI), Greater Mumbai, vide his Judgment and Order dated 20/12/2022 passed in CBI Special Case No.9/2001.

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2. The Applicant was the original accused No.2. He was convicted for commission of offence punishable u/s 120-B r/w 420 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment for one month.
3. Heard Mr.Vinay J. Bhanushali, learned counsel for the Applicant, Mr. Kuldeep S. Patil, learned counsel for the CBI/Respondent No.1 and Mr. S. R. Agarkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and he has not misused the same. Even after his conviction he was granted bail u/s 389 of Cr.PC.
5. The case of the prosecution is that the original accused No.1 was the Branch Manager of Canara Bank, Dahisar (E). He

helped the Appellant and others in opening different accounts and extended credit facilities beyond the sanctioned limit. There are allegations that the facilities were availed by the Appellant and others and based on that money, some further transactions were carried out in different accounts.

6. Learned counsel for Appellant submitted that the bank had not suffered any loss and there is no proof that any amount was misappropriated.
7. Learned counsel for CBI opposed these arguments. But he conceded that the sentence imposed is short. He submitted that the Appellant had entered into one time settlement and therefore leniency was already shown to him by the Trial Court in imposing a lesser sentence.
8. I have considered these submissions. The points on merit will have to be considered at the final hearing stage. The sentence imposed is short. The Appeal is not likely to be decided

within that short period. The Applicant was on bail during trial. Even after his conviction he was granted bail for a limited period.

9. Considering this background, the Applicant can be granted bail during pendency of his Appeal.

10. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.75 of 2023, 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 stands disposed of accordingly.

(SARANG V. KOTWAL, J.)