

rajshree

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

**INTERIM APPLICATION NO.444 OF 2023
IN
CRIMINAL APPEAL NO.23 OF 2023**

Rafiq Khanda	]	..	Applicant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Mohit Dalvi a/w Amit Icham i/b Poonam Garde for the Applicant
Mr.S.R. Agarkar, for State.
Mr.Shreeram Shirsat a/w Nishi Singhvi for CBI.

CORAM : BHARATI DANGRE, J

DATE : 08th March, 2023

P.C.

1] By the present Application, the Applicant seek suspension of sentence and his release on bail, on being convicted by the learned Special Judge by the impugned Judgment and order dated 02.11.2022 in CBI Special Case No.24/2005 @ 4/2006.

2] Heard the learned counsel for the Applicant and the learned counsel for CBI.

With their able assistance, I have perused the impugned Judgment.

3] The present Applicant is convicted for the offence punishable under Section 120-B alongwith 420, 467, 468 and 471 of the Indian Penal Code and he has been sentenced to suffer RI for 6 months and to pay fine of Rs.3000/- for each offence, in default, he is directed to undego RI for one month for each offence.

Substantive sentences are directed to run concurrently.

4] The learned counsel for the Applicant would submit that the Applicant was on bail while he underwent trial before the learned Special Judge and he has never misused the liberty conferred upon him. He would submit that considering the role that has been assigned to him by the prosecuting agency, he deserve continuation of his liberty pending the present Appeal.

5] The learned counsel for CBI do not dispute that the Applicant was on bail throughout the proceedings before the Special court when he was tried for the offence with which he was charged.

In the circumstances, I deem it appropriate to suspend the sentences imposed upon the Applicant by the impugned Judgment and order dated 02.11.2022. However, his release on bail shall be subject to the same terms and conditions, upon which he was released on bail by the Special Court, subject to fresh PR Bond being executed within a period of four weeks from today.

The learned counsel for the Applicant agree that he shall abide by the direction of depositing fine amount of Rs.3,000/- for each offence. This compliance shall also be ensured within a period of four weeks from today.

[BHARATI DANGRE, J]