

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

**INTERIM APPLICATION NO.367 OF 2023  
IN  
CRIMINAL APPEAL NO.80 OF 2023**

Satyanarayana Jagannatham Vanam ..... Applicant

Versus

Central Bureau of Investigation

and another

.... Respondents

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Mr. Sudeep Pasbola, Advocate a/w. Divya Singh, Sankalp Vichare, for the Applicant.

Mr. Amit Munde, Special P.P. for Respondent No.1-CBI.

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

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 1<sup>st</sup> FEBRUARY, 2023**

**P.C. :**

1. This is an application for bail pending final disposal of the Criminal Appeal No.80/2023 preferred by the applicant against the judgment and order dated 12.1.2023 passed by Special Judge, CBI, for Greater Bombay in Special Case No.116/2013. The applicant was the original accused No.1. He was convicted for commission of the offence punishable under Sections 7, 13(2) read with 13(1)(d) of

the Prevention of Corruption Act, 1988 and he was sentenced to suffer RI for three years and to pay fine of Rs.20,000/- and in default to suffer SI for six months. There was another accused i.e. accused No.2 Mehboob Jaffer Ali Shaikh who was separately convicted.

2. Heard Shri Sudeep Pasbola, learned counsel for the applicant, Shri Amit Munde, learned Special P.P. for the respondent No.1-CBI and Smt. M.R. Tidke, learned APP for the respondent No.2-State.

3. The prosecution case is that the applicant was the Office Superintendent . with the Income Tax Department in Mumbai. The complainant i.e. PW-2 Abdul Razak Mansuri had sold his house in Kharghar. The accused No.2 was entrusted the work of filing income tax return by PW-2. Accused No.2 told PW-2 that PW-2 was required to pay Rs.1,70,000/- by way of tax in that transaction. He further told PW-2 that he will have to pay Rs.40,000/- to the present applicant who was the Superintendent in the office of the Income Tax. The complainant-PW-2 did not want to pay the

amount and, therefore, he lodged his complaint with the CBI. A trap was laid on 13.11.2013 and the prosecution case is that the accused No.2 was found having accepted the amount of Rs.20,000/-.

4. Learned counsel for the applicant submitted that there is absolutely no evidence against the present applicant. There was no direct conversation between PW-2 and the applicant wherein any demand was made. The only conversation referred to by PW-2 does not make any reference to any demand. The demand was made by the accused No.2 even as per the prosecution case. The money was also found with the accused No.2. There is absolutely no evidence against the applicant.

5. Learned counsel for the CBI submitted that the money was demanded by the applicant for himself but the accused No.2 was directed to receive that amount. There was direct nexus between the applicant and the accused No.2 and, therefore, the prosecution case was true.

6. I have considered these submissions. The appeal

is already admitted. The major sentence imposed is for three years. The appeal is not likely to be decided during that period. The applicant was on bail during trial. There are no antecedents against the applicant. There are some important issues raised by Shri Pasbola which will have to be decided at the final hearing stage.

7. Considering all these aspects, the applicant can be granted bail during pendency of his appeal. Hence, the following order :

**:: O R D E R ::**

- i. During pendency and final disposal of Criminal Appeal No.80/2023, 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 is disposed of accordingly.

Digitally signed  
by  
PRADIPKUMAR  
PRAKASHRAO  
DESHMANE  
Date:  
2023.02.03  
17:23:45 +0530

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)