

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1409 OF 2023
IN
CRIMINAL APPEAL NO.440 OF 2023

Jagadeesh Venkatesh Shanbhag	Applicant
versus	
The State of Maharashtra and another	Respondents
Ms.Rajani P. Kanojia i/by Mr.Sarang Kalmegh, Advocate for Appellant.	
Mr.Amit Munde, Special P.P. for CBI.	
Mr.Y.M.Nakhwa, APP for State.	

CORAM : PRAKASH D. NAIK, J.

DATE : 4th July 2023

PC :

1. This is an application for suspension of sentence of grant of bail during pendency of Criminal Appeal No.440 of 2023 preferred by Appellant challenging judgment and order dated 16th January 2023 passed by Special Judge (CBI), Greater Bombay, in CBI Special Case No.115 of 2010 whereby Applicant has been convicted for the offence u/s/13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.30,000/-.

2. Applicant was on bail during trial. On the date of conviction sentence of imprisonment was suspended by Special Court in accordance with Section 389 of Cr.PC for a limited period. The co-accused had preferred appeals against conviction, which are admitted and sentence of imprisonment has been suspended by this Court.

3. Learned advocate for Respondent no.2 submits that applicant is public servant. He has played vital role. Huge amount is involved in the case. Hence, sentence may not be suspended. It is submitted that the co-accused whose sentence is suspended are awarded imprisonment of six months and they are not public servants.

4. It is pertinent to note that sentence imposed by the Trial Court is for a period of one year. The appeal would not come up for hearing immediately. Applicant has urged several grounds challenging the impugned judgment of conviction. Hence, case for suspension of sentence and grant of bail is made out.

ORDER

(i) Interim Application No.1409 of 2023 is allowed and disposed off;

(ii) The substantive sentence of imprisonment imposed vide Judgment and Order dated 16th January 2023 by Special Judge (CBI), Greater Bombay in CBI Special Case No.115 of 2010 is suspended, and Applicant is directed to be released on same bail as was prescribed by Special CBI Court, however, with fresh bail bonds;

(iii) The Applicant is directed to attend Special CBI Court, Greater Mumbai once in six months on every first Saturday of the month between 11 am an 1 pm till further orders.

(PRAKASH D. NAIK, J.)

MST