

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 2400 OF 2023**  
**WITH**  
**INTERIM APPLICATION NO. 2401 OF 2023**  
**IN**  
**CRIMINAL APPEAL NO. 747 OF 2023**

Pradeep Kumar Saha  
Versus  
State Of Maharashtra

...Applicant  
...Respondent

....

Mr. Prasad Panchal a/w Mr. Ravi Mungekar Advocate for Applicant.

Mr. Y. M. Nakhawa, APP for the Respondent-State.

Mr. Shriram Shirsat a/w Shekhar Mane and Tanveer Khan for  
Respondent No.2/CBI.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 13<sup>th</sup> JULY, 2023.**

**P.C.:-**

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal challenging the judgment of conviction.
2. The applicant has been convicted vide judgment and order dated 9<sup>th</sup> May 2023 passed by Special Judge (CBI) Greater Bombay in CBI Special Case No.114 of 2014 for offences punishable under Section 13(1)(d) read with 13(2) of Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.3 lakhs. He is also

convicted for offences under Sections 120 (B), 420 read with 120(B) of Indian Penal Code and sentenced to suffer imprisonment for one year on each count and to pay fine of Rs.1 lakhs on each count.

2. Learned Advocate for the applicant submitted that, the applicant was on bail during the trial. The sentence of imprisonment was suspended on the date of conviction till the Appeal period is over. The applicant has deposited the fine of Rs.5 lakhs before the trial Court. The applicant has challenging the judgment of conviction on several grounds. The evidence adduced by the prosecution suffers from serious discrepancies.

3. Learned Advocate for Respondent-CBI submitted that, the applicant has been convicted for the aforesaid offences. There is strong evidence against them. No case is made out for suspension of sentence.

4. The sentence is of short term. Fine amount is deposited. The applicant has filed Appeal challenging judgment of conviction. The impugned judgment has been upheld on various grounds. The appellant was on bail during the trial. Hence, case for suspension of sentence and grant of bail is made out.

### **ORDER**

(i) Interim Application No.2401 of 2023 and Interim Application No.2400 of 2023 are allowed.

(ii) The substantive sentence of imprisonment imposed vide judgment and order dated 9<sup>th</sup> May 2023 passed by Special Judge (CBI) Greater

Bombay in CBI Special Case No.114 of 2014 is suspended and the applicant is directed to be released on same bail granted by the trial Court with fresh bond.

(iii) The applicant shall report the Office of CBI once in a six months on First Saturday of the month between 11.00 a.m. to 1.00 p.m. till final disposal of appeal.

(iv) The applicant shall not leave India without prior permission of this Court.

(v) Interim Applications stand disposed off.

**(PRAKASH D. NAIK, J.)**