

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

**INTERIM APPLICATION NO. 4462 OF 2022
IN
CRIMINAL APPEAL NO. 1280 OF 2022**

Dilip Hiralal Kiran @ D. H. Kiran ..Applicant.
Versus
The Central Bureau of Investigation & Anr. ..Respondents

Mr. V. N. Shingnapurkar i/b. H. N. Associates for Applicant.

Mr. Harsh Dedhia i/b. H. S. Venegavkar for C.B.I./Respondent No.1.

Mr. S. R. Agarkar, APP for State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd JANUARY 2023**

PC :

1. This is an application for bail pending final disposal of Appeal preferred by the Applicant. The Applicant was convicted for commission of offence punishable under sections 120B and 420 r/w. 120B of the I.P.C. and under section 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act, 1988. The major substantive sentence imposed on him was for three years; besides imposition of fine.

2. Heard Shri. Shingnapurkar, learned counsel for the Applicant, Shri. Dedhia, learned counsel for the Respondent No.1 and Shri. Agarkar, learned APP for the State-Respondent No.2.

3. The prosecution case is that the applicant was working as Branch Manager, Bank of India, Wadala (E) branch between 02/07/2001 to 02/11/2002. Between March 2002 to September 2002, he extended various credit facilities to the original accused No.2 S. Vishwanathan and the original accused No.3 S. Shrinivasan. The cash credit facilities were extended to M/s. Auro Health Care Pvt. Ltd., M/s. N. M. Agencies and M/s. Libra Agency. The prosecution case is that the applicant had done this dishonestly without any authority causing wrongful loss to the tune of Rs.40,73,233.64.

4. Learned counsel for the Applicant submitted that the various documents produced on record on behalf of the applicant were not taken into account by the learned Trial Judge. The Applicant was not responsible for extending these credit facilities. He submitted that the alleged offence had taken place in the year

2002. More than 20 years have passed. The applicant was on bail during trial. He has not misused that liberty. Even after his conviction he was granted bail U/s.389 of the Cr.p.c. by the Trial Court.

5. Learned counsel for the Respondent/C.B.I. submitted that the offence is serious and the Applicant was in a responsible position. However, he conceded that the sentence is short.

6. I have considered these submissions. The issues raised by learned counsel for the Applicant will have to be decided at the final hearing stage of the Appeal. The Appeal is not likely to be decided within a period of three years. The Applicant was on bail during trial and even after his conviction he was granted bail U/s.389 of the Cr.p.c. Considering all these aspects, the applicant can be granted bail pending final disposal of his Appeal.

7. Hence, the following order:

ORDER

i) During pendency and final disposal of Criminal

Appeal No.1280 of 2022, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)