



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

**INTERIM APPLICATION NO. 486 OF 2024
IN
CRIMINAL APPEAL NO. 110 OF 2024**

ASHWINI KUMAR SHARMA ALIAS @

MANSOTRA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Murtaza Najmi a/w Adv. Dilip Shukla for the Applicant.

Adv. Shreeram Shirsat for Respondent – CBI.

Mr. S.H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 7, 2024

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the respondent–CBI and learned APP for the State.

2. This is an application for suspension of sentence and for bail. The applicant is convicted by the CBI – Special Court by the judgment and order dated 09/01/2024 for the offence punishable under Sections 120-B read with 419, 420 and 384 of the Indian Penal Code and Section 8 of the Prevention of Corruption Act, 1988 (for short “PC Act”).

The maximum sentence imposed in respect of these offences is 3 years rigorous imprisonment and fine amount. The fine amount has been paid. The applicant is the original accused No.1.

3. Learned counsel Shri Shirsat appearing for the respondent-CBI vehemently opposed this application for suspension of sentence and bail. It is submitted that the trial Court after careful examination of evidence on record and by reasoned order convicted the applicant. It is submitted that considering the seriousness of accusations – cheating and impersonation, the application does not deserve to be allowed and instead the appeal itself be taken up for a final hearing.

4. It is not possible to give priority to this appeal considering the chronology of pending appeals. The position as it stands, the appeal is unlikely to be heard within the period of 3 years. Furthermore, according to the learned counsel for the applicant, the applicant was in pre-trial custody almost for a period of 2 months. During the pendency of the trial, the applicant suffered an accident and

a certificate to the effect that he suffers from 83% disability is issued. The applicant was on bail during the trial. Taking an overall view of the matter, in my opinion, the sentence deserves to be suspended.

5. The sentence imposed by the CBI Special Court vide judgment and order dated 09/01/2024 is accordingly suspended.

6. The applicant be enlarged on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more solvent sureties in the like amount.

7. The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

8. The applicant shall report to the trial Court, once in six months, on the first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. through video conferencing, commencing March 2024.

9. The applicant shall surrender his passport to the Investigating Officer. If the applicant does not have a passport, the applicant shall file an affidavit before this

Court to that effect within a period of 2 weeks from today.

10. The applicant shall not leave India without prior permission of this Court.

11. The execution of the bail bonds is permitted before Panipat District and Sessions Court, Haryana.

12. The application stands disposed of in the above terms.

(M. S. KARNIK, J.)