



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

**INTERIM APPLICATION NO. 4541 OF 2023
IN
CRIMINAL APPEAL NO. 1351 OF 2023**

Akash Abnash Khurana ..Appellant
VS.
Central Bureau of Investigation and anr...Respondents

Mr. Pawan Mali i/b Mr.Vishal Laxman Kolekar a/w Alfiya Shaikh a/w Harshraj Jagtap, for the applicant.
Mr. S. H. Yadav, APP for the State.
Mr. Amit Monde, SPP a/w Ms. Jai Vohra for CBI.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 17, 2024

P.C. :

1. This is an application for suspension of sentence pending the appeal. The appeal has been admitted. The applicant was on bail during trial. It is submitted by learned counsel for the respondent no.1 and rightly so that this by itself cannot be a consideration to enlarge the applicant in bail.

2. The applicant was convicted and sentenced for the offence punishable under sections 420, 468, 471 read with 120(b) of the Indian Penal Code, to suffer rigorous

imprisonment for 2 years. The fine amount has been paid. Learned counsel for the respondent no. 1 submitted that there is ample evidence on record on the basis of which the trial Court has convicted the applicant. It is submitted that the appeal itself be heard finally instead of enlarging the applicant on bail considering the nature of evidence.

3. In my opinion, it is not possible to give a priority hearing of this appeal in view of a large number of appeals which are already pending for final hearing. Considering that the sentence is of 2 years of rigorous imprisonment and as the appeal is not likely to be heard any time soon, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case. There is nothing on record to indicate that when the appellant was on bail during trial, the applicant has misused the liberty. The sentence is accordingly suspended. Hence, the following order.

ORDER

- a) The sentence is suspended.
- b) The applicant- Akash Abnash Khurana shall be released on same bail of the trial Court but with

fresh bond of Rs.25,000/- with one or more sureties in the like amount.

c) The applicant shall report to the trial Court once in six months, i.e. first Monday of the concerned month, between 2.30 p.m. and 3.30 p.m. commencing from February 2024.

4. The interim application is disposed of in the above terms.

(M. S. KARNIK, J.)