



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

**INTERIM APPLICATION NO. 4559 OF 2023
IN
APPEAL NO. 1358 OF 2023**

Sunil Rajendrakishor Manocha ..Applicant
VS.
The Central Bureau of ...Respondents
Investigation and anr.

Mr. Niranjan Mundargi i/b Adv. Keral Mehra, for the Applicant.

Mr. Amit Munde, SPP a/w Mr. Jai Vohra, for CBI- Respondent No.1.

Mr. S. H. Yadav, APP for the State- Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2024

P.C. :

1. I have heard learned counsel Mr. Mundargi for the applicant and learned SPP Mr. Munde appearing for CBI.
2. Mr. Munde opposed the suspension of the sentence and submitted that appeal itself be heard finally instead of enlarging the applicant on bail.
3. By order dated 17/01/2024, the co-accused- Akash Abnash Khurana has been enlarged on bail. The said order reads thus :

“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.”

4. For the same reasons recorded in the order dated 17/01/2024, the sentence of the present applicant is suspended. The earlier order of suspension passed by this Court dated 15/12/2023 stands confirmed. Hence, the following order.

ORDER

a) The application is allowed.

b) The sentence is suspended.

c) The applicant - Sunil Rajendrakishor Manocha shall be released on same bail as in the trial Court, however with bonds furnished vide order dated 15/12/2023 passed by this Court.

d) 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 March 2024.

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

(M. S. KARNIK, J.)