



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 519 OF 2024
IN
CRIMINAL APPEAL NO. 288 OF 2024

Surendra V. Azad and another

..VS..

Central Bureau of Investigation, Civil Lines, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Prakash Naidu, Advocate for applicant/appellant.
Mr. Prashantkumar Sathianathan, Advocate for respondent.

CORAM : G.A. SANAP, J.

DATED : 12th JUNE, 2024

This is an application for suspension of sentence awarded by learned Special Judge, CBI Court, Nagpur whereby the appellants were convicted and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.1,00,000/- each for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and Section 120B of the Indian Penal Code, 1860.

2. It is stated that the applicants/appellants have good case on merit. They were on bail during the pendency of the trial. The appeal filed by them would take its own time for adjudication. Therefore, they have prayed for suspension of sentence and to release them on bail. It is stated that fine amount has been already deposited.

3. Learned Advocate for the respondent seeks time to file reply. The record shows that sufficient time has already been granted therefore, his prayer for time to file reply cannot be granted.

4. It is pertinent to note that during the pendency of the trial, the accused were on bail. There is no grievance that they misused the bail conditions. Appeal filed by them would take its own time for adjudication. The sentence awarded is five years rigorous imprisonment. The appellants have deposited the fine amount.

5. In the circumstances, in my view, keeping in mind the above stated facts, it would be just and proper to suspend the sentence and release the applicants/appellants on bail. Hence, I pass the following order :

- (i) The Criminal Application No.519/2024 is allowed.
- (ii) The substantive sentence awarded as above by the learned Special Judge, CBI Court, Nagpur shall remain suspended during the pendency of this appeal.
- (iii) The applicants/appellants **Surendra V. Azad** and **Ajay Bhalchandra Pahade** be released on bail on their furnishing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) each with one or two solvent sureties in the like amount.
- (iv) Bail be furnished before the trial Court.

- (v) The applicants/appellants shall remain present before the Court at the time of final hearing of this appeal.

The application stands **disposed of** in the aforesaid terms.

(G.A. SANAP, J.)

Kirtak