

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

**INTERIM APPLICATION NO. 4330 OF 2024
IN
CRIMINAL APPEAL NO. 1135 OF 2024**

Avinash Rajendrakumar Gholap Appellant

Versus

Union Of India And Anr Respondents

Dr. Abhinav D. Chandrachud a/w Mr. Salman K. Pathan, Advocate for the Applicant.

Mr. Amit Munde, SPP, a/w Mr. Jai Vohra and Mr. Sunil Chavan, for Respondent No.1 – CBI.

Mr. P. P. Deokar, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.

2. The Applicant has been convicted for the offence punishable under Section 235(2) of the Code of Criminal Procedure, for the offence under Section 120-B of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to suffer Rigorous Imprisonment for the period of six

months and to pay fine amount of Rs.10,000/-. The Applicant has been convicted for the offence punishable under Section 420 of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to suffer Rigorous Imprisonment for the period of two years and to pay fine of Rs.20,000/-. The Applicant has been convicted for the offence punishable under Section 465 of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to suffer Rigorous Imprisonment for the period of two years and to pay fine of Rs.20,000/-. The Applicant has been convicted for the offence punishable under Section 468 of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to suffer Rigorous Imprisonment for the period of three years and to pay fine of Rs.25,000/-.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence during the appeal. During the trial, the Applicant was on bail, hence requested to allow the application.

4. The learned APP for the Respondent – State strongly objected to allow the application.

5. I have heard both learned counsel. The maximum sentence imposed on the Applicant is of three years. The trial Court has granted

bail to the Applicant and suspended his sentence till final disposal of the appeal. During the trial, the Applicant was on bail. It may take time to dispose of the trial.

6. In view of the above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on following terms and conditions.

ORDER

- i. The substantive sentence imposed on the Applicant in Special (ACB) Case No.25 of 2018, in terms of the order dated 6th September, 2024 passed by the Special Judge, (CBI-ACB), Pune, till final disposal of the appeal.
 - ii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - iii. The bail bond to be furnished before the trial Court.
7. In view of the above, the application stands disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)