

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

916 CRIMINAL APPLICATION NO.4152 OF 2025
IN APEAL/834/2025

Shashikant Vitthal Kothawade

... Applicant

Versus

The Union of India,

Through C.B.I.

... Respondent

.....

Shri. Nilesh S Ghanekar, Advocate for the Applicant

Shri. S. S. Panale, Spl. Public Prosecutor – CBI for the Respondent

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : NOVEMBER 06, 2025

PER COURT :-

. This is the Application for Suspension of substantive Sentence awarded by the learned Special Judge, CBI Court, Aurangabad in Special (CBI) Case No.21/2018 convicting the Applicant – Appellant as follows:

“1. Accused Shashikant s/o Vitthal Kothawade hereby convicted under Section 235 (2) of the Code of Criminal Procedure for offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer Rigorous Imprisonment for 4 (four) years and to pay fine Rs.2,00,000/- (Two Lacs only), in default to suffer further Rigorous Imprisonment for 6 (six) months.

2. Accused Shashikant s/o Vitthal Kothawade hereby convicted under Section 235 (2) of the Code of Criminal Procedure for offence punishable under Section 13 (1) (d) R/w Section 13 (2) of the Prevention of Corruption Act, 1988 and sentenced to suffer Rigorous Imprisonment for 5 (five) years and to pay fine Rs.2,00,000/- (Two Lacs only), in default to suffer further Rigorous Imprisonment for 6 (six) months.

3. The substantive sentence to run concurrently.

4. Accused to surrender to his bail bonds, sureties stand discharged.

5. Copy of this judgment shall be given to the accused free of

costs under Section 363 of the Code of Criminal Procedure.

6. The muddemal property i.e. cash amount Rs.2,00,000/- shall be refunded to the complainant after the appeal period. The muddemal property like DVDs and Memory Cards is electronic evidence thus it shall be preserved as record like the evidence of the prosecution witnesses. Remaining muddemal property i.e. the bottles of hand wash solution and cotton cloth and plastic carry bag shall be destroyed after the appeal period.

7. Accused was in the jail for the period of 22/03/2018 to 26/03/2018, this period shall be given set off out of the substantive sentence under Section 428 of the Code of Criminal Procedure.”

2. The learned Advocate for the Applicant submits that, the case is of 2018 and the Applicant was on bail during trial. The Applicant is 64 years of age and therefore, sentence be suspended. He submits that, on the point of sanction, the Applicant has a good case on merits. He submits that, the Applicant has prayed for interim suspension of sentence and bail due to the engagement ceremony of Applicant's son scheduled on 07.11.2025 i.e. tomorrow. The learned Advocate for the Applicant submits that, the Applicant is ready to deposit part of the fine amount.

3. The Application is opposed by the learned Advocate for the Respondent. He submits that, day before yesterday he received the Application and the Appeal memo. He requires some time to argue the Application on merits. He seeks time. He submits that the prayer for interim Suspension and the Bail may not be considered.

4. The Applicant is aged 64 years. The papers on record indicate that there is engagement ceremony of the Applicant's son scheduled on

07.11.2025 i.e. tomorrow. Considering these aspects of the matter, I am inclined to grant prayer for interim Suspension and Bail. Hence, the following order.

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Special Judge, CBI Court, Aurangabad, in Special (CBI) Case No.21/2018 *vide* the Judgment and order dated 03.11.2025 on the Applicant, by name, Shashikant Vitthal Kothawade for the offence punishable under Sections 7 and 13 (1) (d) r/w. Section 13 (2) of the Prevention of Corruption Act, 1988, is suspended for a period of one (1) week.
- (iii) Applicant - Shashikant Vitthal Kothawade be released on bail on executing P. R. Bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two surety/sureties in the like amount.
- (iv) Bail before the Trial Court.
- (v) Stand over to **12.11.2025**.
- (vi) Parties to act upon the authenticated / uploaded copy of this order.

(NEERAJ P. DHOTE, J.)

GGP