



(1)

910criapln909.26

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

**910 CRIMINAL APPLICATION NO. 909 OF 2026
IN APPEAL/161/2026**

KARTIK R. K. SHAHANI

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. L. D. Vakil, Advocate for the applicant

Mr. S. S. Panale, Special Public Prosecutor-CBI for the respondent

CORAM : RAJNISH R. VYAS, J.

DATE : 07th MARCH, 2026

PER COURT :

1. The present applicant is original accused No. 6 who was convicted in Special Case ACB No. 10/2007 by the Special Judge, CBI Court, Aurangabad for commission of offences punishable under Sections 120-B and 420 of the Indian Penal Code. So far as fine amount is concerned, it is already deposited. The maximum sentence is of one year. All the sentences were ordered to run concurrently.

2. The learned Advocate for the the applicant submitted that through out the trial, the applicant was on bail and did not misuse the liberty. He submitted that at the relevant time he was working on the Post of Regional Manager in private entity. He

submitted that for proving the offence under Section 420 of the IPC, it will have to be proved by the prosecution that there was a fraudulent intention from the initial stage. He, therefore, submitted that the arguable points are involved in appeal.

3. The learned Advocate for the CBI has opposed the application and has contended that offence is serious and the prosecution was initiated in the year 2007 and conviction has seen the light of day in the year 2026. He, therefore, submitted that release of the applicant would not be in the interest of justice.

4. I have gone through the record of the case. In all total six persons were tried and the prosecution has examined sixteen witnesses in order to bring home the charge. So far as the present applicant is concerned, it is with the aid of Section 120-B, he has been convicted for commission of offences punishable under Sections 420 of the IPC. Whether there was fraudulent intention at the initial stage, whether there was meeting before commission of crime will have to be tested from the record of the case in the light of grounds raised in the memo of appeal. It is not disputed by the Special Public Prosecutor for the CBI that all through out the trial the applicant was on bail. It is not even the case of the prosecution that the applicant has misused the liberty.

5. Considering the aforesaid fact and reality that the accused after his conviction has surrendered to the custody of the court and thereafter released on bail and since sentence imposed upon the applicant is of fixed term, I am inclined to pass the following order.

ORDER

- a] The application is allowed.
- b] The sentence imposed upon the applicant in Special Case ACB No. 10/2007 by the Special Judge, CBI Court, Aurangabad for commission of offences punishable under Sections 120-B and 420 of the Indian Penal Code is hereby suspended till decision on the appeal.
- c] The applicant shall be released on bail on same terms and conditions as were imposed by the trial court.

[RAJNISH R. VYAS, J.]