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

**921 CRIMINAL APPLICATION NO. 967 OF 2026
IN APEAL/173/2026**

DANISH BHAGAT

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Parvez Memon, Advocate a/w Mr. Kush Agrawal i/b MZM Legal LLP, for the applicants

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

CORAM : RAJNISH R. VYAS, J.

DATE : 11th MARCH, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence.
2. The applicant is convicted in Sessions Case ACB No. 10 of 2007 dated 09-02-2026 passed by the Special Judge, CBI Court, Aurangabad for commission of offences punishable under Sections 120-B and 420 of the Indian Penal Code. The maximum sentence imposed upon the applicant is of 1 years with fine amount of Rs.25,000/-, in default of payment he was directed to suffer rigorous imprisonment for 1 month.

3. Learned Advocate for the applicant has contended that all through out the trial the applicant was on bail and did not misuse the liberty. After pronouncement of judgment the applicant has surrendered to the custody of the court.

4. Per contra, learned Special counsel for the CBI has contended that though the length of sentence imposed upon the applicant is short, but the fact remains that after appreciation of evidence, the sentence was awarded.

5. With the help of respective counsels, I have gone through the record of the case.

6. The present applicant was Executive of M/x. Xeros Modicorp Ltd. and were convicted with the aid of Section 120-B of the IPC. The question is whether there was fraudulent intention on the part of the present applicant from initial stage will have to be looked into from the record of the case. Whether there was meeting of minds of the accused prior to commission of the offence will have to be tested.

7. Considering the fact that the sentence imposed upon the applicant is of fixed term and he was on bail through out the trial, I am inclined to allow the application. Hence, the following order:

ORDER

- a] The application is allowed.
- b] The sentence imposed upon the applicant in Sessions Case ACB No. 10 of 2007 dated 09-02-2026 passed 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 the decision on the appeal.
- c] The applicant shall be released on same terms and conditions as were imposed by the trial court.

[RAJNISH R. VYAS, J.]

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