



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 983 OF 2026
IN
CRIMINAL APPEAL NO. 177 OF 2026

Rohit Gupta s/o Mastram Gupta

..APPLICANT

VERSUS

Central Bureau of Investigation

..RESPONDENT

....

Mr. N.S. Ghanekar, Advocate h/f Mr. P.A. Bhosale, Advocate for applicant
Mr. R.D. Sanap, Standing Counsel for Central Government / respondent
Mr. S.S. Panale, Special Public Prosecutor for CBI / respondent

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CORAM : RAJNISH R. VYAS, J.
DATE : 12th MARCH, 2026

PER COURT :

. This is an application for grant of bail and suspension of sentence.
The applicant / original Accused No.7 has preferred an appeal challenging his conviction for commission of offence punishable under Sections 420 and 120-B of the Indian Penal Code awarded by the Special Judge, CBI Court, Aurangabad on 09th February, 2026 in Special Case (ACB) No. 10 of 2017.

2. Mr. Ghanekar, learned counsel for the applicant submitted that all throughout the trial the applicant was on bail and he did not misuse his liberty. He further submitted that after pronouncement of judgment of conviction, he had surrendered to the custody of the Court and preferred an

application for grant of bail and suspension of sentence, which was allowed. He submitted that the amount of fine is already deposited. He thus submits that considering the length of sentence imposed, the applicant be released on bail.

3. Per contra, learned counsels for respondent / CBI have contended that though the sentence awarded is short, considering the nature of evidence, application may not be allowed.

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

5. The present applicant / original Accused No.7 was tried alongwith other accused and convicted for commission of offence punishable under Sections 420 and 120-B of the I.P.C. The question, whether there was fraudulent intention at initial stage will have to be looked into from the record of the case, so also whether there were meeting of minds can only be gathered when the record is perused at length. At this stage, suffice it to say that, prima facie case is made out since the present applicant i.e. original Accused No.7 was posted as Executive Head of Western Region for M/s Xerox Modicorp and was not responsible for day-to-day working. Further the fact that the applicant was on bail all throughout the trial and did not misuse the

liberty also goes in favour of the applicant. It is clear that the sentence imposed upon the applicant is of one year only and considering the pendency of other appeals, there is less likelihood of present appeal being taken up for hearing in near future. Hence, I pass the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) The sentence imposed upon the applicant for commission of offence punishable under Sections 420 and 120-B of the Indian Penal Code awarded by the Special Judge, CBI Court, Aurangabad on 09th February, 2026 in Special Case (ACB) No. 10 of 2017 shall stand suspended till decision on appeal.
- (III) The applicant be released on bail on the same terms and conditions as were imposed by the trial Court.

(RAJNISH R. VYAS, J.)

SSD