



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

**CRIMINAL APPLICATION NO. 996 OF 2026
IN APEAL/179/2026**

**DARSHANKUMAR SITARAM KHANNA
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Dhanraj S. Ingole
h/f. Mr. Shaikh Sohail Subhedar
Spl. PP for Respondent : Mr. Sachin S. Panale

...
**CORAM : RAJNISH R. VYAS, J.
DATE : 13TH MARCH, 2026**

PER COURT :

1. The present application is at the instance of original accused no. 1 who is convicted for commission of offences punishable under Sections 7, 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, so also Section 120-B of the Indian Penal Code. The maximum sentence imposed is of two years.

2. Learned counsel for the applicant submits that all throughout the trial, applicant was on bail and he did not misuse his liberty. According to him, after pronouncement of judgment of conviction, the applicant had surrendered to the custody of the court and his sentence was suspended. He submits that the question whether the irregularities, if any, found in allotment of tender would constitute an offence under the

Prevention of Corruption Act.

3. Per contra, the learned Special Public Prosecutor for CBI contended that it was the present applicant who was the mastermind and hatched the conspiracy, and that, upon considering the evidence on record, he was convicted. He, therefore, prays that the application for suspension of sentence be rejected.

4. I have gone through the record of the case. The sentence imposed upon the applicant is of fixed term i.e. two years maximum. So far as deposit of fine amount is concerned, learned counsel for the applicant submits that the entire fine amount is already deposited.

5. In the present matter, the allegations are regarding allotment of tender for taking prints of the phone bill. The question whether irregularity committed while allotting the tender can constitute the offence under the provisions of the Prevention of Corruption Act. The question is also whether there was a fraudulent intention at the initial stage which was developed by the accused persons and meeting of mind before the commission of the offence, which will have to be answered by going through the record of the case.

6. In that view of the matter, I find that arguable points are involved in the appeal. As the sentence imposed upon the applicant is of fixed term and he was on bail during the trial, I am inclined to allow the

present application. Accordingly, the following order is passed :

ORDER

- i. Criminal Application for grant of bail and suspension of sentence is allowed.
- ii. The sentence imposed upon the applicant is of maximum two years for commission of offences punishable under Section 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, as well as Section 120-B of the Indian Penal Code, imposed by Special Judge, CBI Court, Aurangabad, in Special Case ACB No. 10/2007 dated 09.02.2026, shall stand suspended till decision on appeal.
- iii. The applicant shall be released on bail on same terms as were imposed by the trial court.
- iv. Criminal Application stands disposed of.

(RAJNISH R. VYAS, J.)