IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3071 OF 2026
IN
APPEAL NO. 754 OF 2026

Vivek Madhukar Dekate & anr. ..Applicants

Versus

The Central Bureau of Investigation & anr. ...Respondents

Mr. Om Latpate, a/w Mr. Jitendra Sawant, for the Appellants/ Applicants.

Mr. Amit Munde, Spl. PP, a/w Mr. Jai Vohra, Mr. Parth Tari, Mr. Shantanu Nakashe, for Respondent No. 1 – CBI.

Mr. D J Haldankar, APP for Respondent No.2 – State.

CORAM : N. J. JAMADAR, J.
DATE : 01st OCTOBER 2026

SAINATH SANJAY BODKHE
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Date: 2026.10.03 12:24:12 +0530

P.C.:

APPEAL/754/2026

1. Heard.

2. Admit.

3. Call R & P.

IA/3071/2026

4. This is an application for suspension of sentence and to enlarge the applicants on bail.

5. By the judgment and order dated 24th August, 2026, passed by the learned Special Judge, CBI-ACB, Pune in Special Case No. 19/2021, the Applicant No.1 (A-1), who is a public servant, and Applicant No.2 (A-2), who is the wife of the Applicant No.1, have been convicted for the offences punishable under Section 13(2) r/w Section 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 109 of the Indian Penal Code, 1860, r/w Section 13(1)(e) of the Prevention of Corruption Act, 1988, respectively. The Applicant No.1 has been sentenced to suffer rigorous imprisonment for four years and pay fine of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand) and Applicant No.2 has been sentenced to suffer rigorous imprisonment for three years and pay fine of Rs.5,000/-, with default stipulation.

6. Mr. Latpate, the learned Counsel for the applicants, submitted that, the applicants were on bail during the pendency of the trial. The learned Special Judge has released the Applicant No.2 (A-2) on bail under the provisions of Section 389(3) of the Code of Criminal Procedure, 1973. The applicants have a fair chance of success in the appeal and, therefore, the sentence be suspended and the applicants be enlarged on bail during the pendency of the appeal.

7. In opposition to this, Mr. Munde, the learned Special Public Prosecutor for Respondent No.1 – CBI, strongly opposed the prayer for suspension of sentence. It was submitted that, the learned Special Judge has correctly appreciated the evidence and on the basis of overwhelming evidence including the recovery of sum of Rs.20,00,000/- (Rupees Twenty Lakhs) from the possession of the applicants, rendered the finding of guilt. Therefore, instead of suspending the sentence, the hearing of the appeal be expedited.

8. Evidently, the applicants have been sentenced to suffer a fixed term sentence. The sentence of 3 and 4 years rigorous imprisonment can be said to be relatively short. Having regard to the large pendency of the cases in this Court, it may not be possible to hear and decide the appeal finally, within a reasonable period.

9. Therefore, this Court is inclined to exercise the discretion and suspend the sentence during the pendency of the appeal.

10. Hence, the following order :-

: : O R D E R : :

(i) The Interim Application stands allowed.

(ii) The substantive sentence imposed by the learned Special Judge CBI-ACB, Pune, in Special

Case No. 19/2021, arising out of CR No. RC/PUNE/2019/A/0003, registered with CBI-ACB, Pune, stands suspended till the final disposal of the appeal.

(iii) The Applicants – Vivek Madhukar Dekate (A1) and Lalita w/o Vivek Dekate (A2), be enlarged on bail on furnishing a PR Bond in the sum of Rs.25,000/-, each and a surety in the like amount, to the satisfaction of the learned Special Judge.

(iv) The Applicants shall mark their presence at CBI-ACB on the first Monday of November and May every year, till the disposal of the appeal.

(v) The Applicants shall attend the proceedings in this appeal, as and when directed.

[N. J. JAMADAR, J.]