

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 986 of 2026****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF  
SENTENCE) NO. 1 of 2026****In R/CRIMINAL APPEAL NO. 986 of 2026**=====
**KUMBA ESWAR SURENDIRANATH****Versus****CENTRAL BUREAU OF INVESTIGATION & ANR.**
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Appearance:

MR. ARSH R SHAIKH(6726) for the Appellant(s) No. 1

MR RC KODEKAR(1395) for the Opponent(s)/Respondent(s) No. 1

MR.ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 2

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**CORAM:HONOURABLE MS. JUSTICE S.V. PINTO****Date : 29/04/2026****ORAL ORDER****ORDER IN CRIMINAL APPEAL**

**ADMIT.** Learned Special Public Prosecutor Mr. R.C.Kodekar appears and waives service of notice of admission on behalf of respondent No. 1 – CBI and learned Additional Public Prosecutor Mr. Aditya Jadeja appears and waives service of notice of admission on behalf of the respondent No. 2 – State.

**ORDER IN CRIMINAL MISC. APPLICATION**

**1]** **RULE.** Learned Special Public Prosecutor Mr. R.C.Kodekar appears and waives service of notice of respondent No. 1 – CBI and learned Additional Public Prosecutor Mr. Aditya Jadeja appears and waives service of notice of admission on behalf of the

respondent No. 2 – State.

**2]** This application is filed by the applicant for suspension of sentence in connection with the conviction recorded vide judgment and order dated **10-04-2026** by the **learned Special Judge CBI Court No. 1, I/c. CBI Court No. 5, City Civil & Sessions Court**, (hereinafter referred to as the learned Trial Court), **Ahmedabad** in **CBI Special Case No. 13 of 2017**, whereby, the applicant was convicted for the offences under Sections 120(B) and 409 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act and sentenced to rigorous imprisonment for two (02) years and fine of Rs.50,000/- and in default simple imprisonment for six (06) months for the offence under Sections 120(B) read with 409 of the IPC and rigorous imprisonment for two (02) years and fine of Rs.50,000/- and in default simple imprisonment for six (06) months for the offence under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act. Both the sentences were ordered to run concurrently.

**3]** Heard learned advocate Mr. Arsh Shaikh for the applicant and learned Special Public Prosecutor Mr. R.C.Kodekar for respondent No. 1 – CBI and learned Additional Public Prosecutor

Mr. Aditya Jadeja for respondent No. 2 – State.

**4]** Learned advocate for the applicant submits that after the applicant was convicted and sentenced by the learned Trial Court, the applicant had preferred an application below Exh. 539 to suspend the sentence for appeal period accordingly, the learned Trial Court suspended the sentence upto appeal period by order dated 10-04-2026. The learned advocate submits that the present appeal is filed within time period. Learned advocate further submits that the amount of fine has already been paid by the applicant vide receipt No. 12 dated 10-04-2026. Learned advocate for the applicant submits that the appeal is not likely to be heard in near future and hearing of the same would take some long time and hence, no purpose would be served by keeping the applicant in jail for indefinite period with hardened criminals. The applicant has a good case on merits and hence, the order of the sentence may be suspended and the applicant may be released on regular bail on appropriate terms and condition.

**5]** Learned Special Public Prosecutor Mr.R.C.Kodekar for respondent No. 1 – CBI and learned Additional Public Prosecutor Mr. Aditya Jadeja for respondent No. 2 – State have jointly objected to the present application to grant suspension of sentence

and have submitted that the order of sentence is just and proper and no interference is required in the order passed by the learned Special Judge, however, in view of the quantum of sentence, necessary order may be passed.

**6]** On perusal of the impugned judgment and order of conviction, as the applicant is sentenced for a fixed period of two (02) years and the appeal is not likely to be heard in near future, the present application for suspension of sentence can be considered, in view of the decision rendered in case of ***Bhagwan Rama Shinde Gosai Vs. State of Gujarat*** reported in **(1999) 4 SCC 421**, wherein, it has been held that when the sentence is for a fixed period, the appellate Court finds that due to practical reasons such appeal cannot be disposed of expeditiously the appellate Court must bestow special concern in the matters of suspending the sentence. And without entering into the merits of the case, this Court is of the opinion that the arguments of the learned advocate for the applicant, requires consideration and accordingly, is allowed. The order of execution of sentence in the order dated **10-04-2026** by the **learned Special Judge CBI Court No. 1, I/c. CBI Court No. 5, City Civil & Sessions Court, Ahmedabad** in **CBI Special Case No. 13 of 2017**, is

suspended during pendency of the criminal appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and on the following conditions: -

- (i) *shall not take undue advantage of liberty or misuse liberty;*
- (ii) *shall not leave India without prior permission of this Court;*
- (iii) *shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;*
- (iv) *shall maintain law and order;*
- (v) *shall not indulge in any activity leading to breach of public peace and tranquility.*

7]. In view of the above, application stands allowed. Rule made absolute. Direct service is permitted.

VISHAL MISHRA

**(S. V. PINTO,J)**