

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 1107 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 1 of 2026
In R/CRIMINAL APPEAL NO. 1107 of 2026

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BHASKAR RAMESHCHANDRA SONI

Versus

CENTRAL BUREAU OF INVESTIGATION & ANR.

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Appearance:

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

MR. RZ SHAIKH(6888) for the Appellant(s) No. 1

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

MS CM SHAH, APP for the Opponent(s)/Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 08/05/2026

ORAL ORDER

Order in Criminal Appeal:

Admit. Learned advocate Mr.N.R.Kodekar for learned Special Public Prosecutor Mr.R.C.Kodekar waives service of admission for the respondent no.1- CBI and learned APP Ms. C.M. Shah waives service of admission for and on behalf of the respondent no. 2 - State respectively.

Order in Criminal Misc. Application:

1. RULE. Learned advocate Mr.N.R.Kodekar for learned Special Public Prosecutor Mr.R.C.Kodekar and learned

APP Ms. C.M. Shah waive service of notice of rule on behalf of the respondent no.1-CBI and respondent no.2-State respectively.

2. By way of the present application under Section 430 of the Bharatiya Nagarik Surakhsha Sanhita, 2023, the applicant – original accused no.2 is seeking suspension of sentence and release on regular bail during pendency of the present appeal against the judgment and order of conviction dated 28.04.2026 passed in CBI Special Case No. 07/2023 by the learned Special Judge (I/C CBI Court No.6), City Civil and Sessions Court, Ahmedabad, whereby, the applicant – original accused no.2 was sentenced to following terms.

Offence u/s	Sentence	In default of payment
13(2) of the P.C.Act	R.I. for 03 years and fine of Rs.50,000/-	R.I. for 06 months.
420, 471 r/w. 120(B) of the IPC	R.I. for 03 years and fine of Rs.50,000/-	R.I. for 06 months.

All the sentences were ordered to run concurrently.

3. Heard learned advocate Mr. Arsh Shaikh for the applicant, Learned advocate Mr.N.R.Kodekar for learned Special Public Prosecutor Mr.R.C.Kodekar for the respondent

no. 1 – CBI and learned APP Ms. C.M. Shah for the respondent
no. 2 - State.

4. Learned Advocate Mr. Arsh Shaikh for the applicant submits that the sentence is for a short period of three years and the applicant has deposited the amount of fine. Learned advocate submits that the present 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 application may be allowed and the applicant be enlarged on bail pending hearing and final disposal of the captioned Criminal Appeal.

5. Learned advocate for the respondent no.1 – CBI and learned APP Ms.C.M.Shah for the respondent no.2 – State have strongly objected to the submissions made by the learned advocate for the applicant; however, has submitted that considering the quantum of sentence, necessary orders may be passed.

6. At this juncture, it would also be fit to refer to the judgment of the Apex Court in the case **Bhagwan Rama Shinde Gosai Vs. State of Gujarat** reported in (1999) 4 SCC 421, wherein, it has been held that when the appellants have been sentenced for a fixed period and when 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 application requires consideration and accordingly, is allowed.

7. The execution of the sentence in the judgment and order of conviction dated 28.04.2026 passed in CBI Special Case No. 07/2023 by the learned Special Judge (I/C CBI Court No.6), City Civil and Sessions Court, Ahmedabad, is suspended during pendency of the Criminal Appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on the following conditions that the applicant;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of their residence to the Court concerned at the time of execution of the bond;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) shall deposit the amount of fine, if not deposited, before this release;

8. In view of the above, the present application stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

F.S. KAZI

(S. V. PINTO,J)