

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1833 OF 2015

IN

CRIMINAL APPEAL NO. 331 OF 2015

[Vasudha w/o Bhagwanrao Ukhalkar Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.S.Chapalgaonkar, advocate for applicant/appellant
Smt. P.J.Bharad, A.P.P. for respondent

CORAM : V.M.DESHPANDE, J.

DATED : 23rd April, 2015

PER COURT :-

- 1] This is an application for suspension of substantive jail sentence and for grant of bail.
- 2] I have heard Shri S.S.Chapalgaonkar, learned counsel for the applicant and Smt. P.J.Bharad, learned Additional Public Prosecutor for the respondent/State.
- 3] The present applicant is convicted by the learned Special Judge, Parbhani on 23.3.2015 in Special Case (ACB) No. 2 of 2012, whereby the learned Special Judge convicted the present applicant for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and directed to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/-, in default to further undergo rigorous imprisonment for three months. The applicant is also convicted for the offence punishable under Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988 and on that count she is directed to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/-.
- 4] Learned counsel Shri Chapalgaonkar submitted that after the conviction of the present applicant, he preferred application under Section 389 of the Code of Criminal

Procedure before the Special Judge. The said application is at Exh.87. The learned Special Judge on 23.3.2015 has directed to release the applicant on furnishing surety of Rs.15,000/-. He prayed to place the said application along with the order on record. Same is taken on record and marked 'X' for identification purposes.

5] Learned counsel further submitted that he has already deposited fine amount and to that effect on affidavit a statement is made in paragraph 3 of the application. Statement is accepted.

6] The applicant was on bail throughout and at no point of time the applicant has misused the liberty granted to her. In that view of the matter, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive jail sentence imposed upon the applicant by the Special Judge, Parbhani in Special Case (ACB) No. 2 of 2012, for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and under Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988, shall stand suspended during the pendency of the present appeal.
- (iii) The applicant is directed to execute fresh bond of Rs.15,000/- with one solvent surety in the like amount before the learned trial court.
- (iv) The applicant shall remain present before this court at the time of final hearing.
- (v) Application is disposed of.

(V.M.DESHPANDE, J.)

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