

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

**CRIMINAL APPLICATION NO. 1980 OF 2015
IN
CRIMINAL APPEAL NO. 355 OF 2015**

Samadhan Garbad Shelke

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. V.D.Sapkal, Advocate for Applicant.

Mr. U.H.Bhogale, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th APRIL, 2015

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PER COURT :

1. This is an application for suspension of substantive jail sentence and for grant of bail.

2. Heard Mr. V.D.Sapkal, learned Counsel for the applicant and Mr. U.H.Bhogale, learned A.P.P. for respondent – State.

3. The applicant is convicted by the learned Additional Sessions Judge, Bhusawal in Special (ACB) Case No. 7/2014 [old Special (ACB) Case No. 14/2013], whereby the learned Judge of the Court below has convicted the

applicant for the offence punishable u/s 7 of Prevention of Corruption Act and directed to suffer Rigorous Imprisonment for one years and to pay fine of Rs. 5,000/-. In default of payment of fine, to suffer Rigorous Imprisonment for two months on account of his conviction. The applicant is also convicted for the offence punishable u/s 13 (1) (d), 13 (2) of Prevention of Corruption Act and directed to suffer Rigorous Imprisonment for two years and to pay fine of Rs. 5,000/-. In default of payment of fine, to suffer Rigorous Imprisonment for two months.

4. Learned counsel for the applicant submits that fine amount is already deposited. Learned counsel invited my attention to the Order dated 13/02/2015, whereby the learned Judge of the Court below has already suspended substantive jail sentence in order to give opportunity to the applicant to approach this Court.

5. Looking to the limited duration of the sentence and the fact that this Court is taking presently the Appeals of the year 2000, in near future, final hearing of the present Appeal is not possible.

6. Hence, I pass the following order.

(i) The present Criminal Application is allowed.

(ii) The substantive jail sentence imposed upon

the applicant by the learned Additional Sessions Judge, Bhusawal in Special (ACB) Case No. 7/2014 [old Special (ACB) Case No. 14/2013] for the offences punishable u/s 7, 13 (1) (d), 13 (2) of Prevention of Corruption Act shall stand suspended and the applicant be released on bail on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount. Bail before the trial Court.

(iii) The applicant shall remain present before this Court at the time of final hearing of the present Appeal.

(iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]