

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

**CRIMINAL APPLICATION NO. 2389 OF 2015 IN
CRIMINAL APPEAL NO.396/2015**

Eknath S/o Baburao Jaid

.. APPLICANT

Versus

State of Maharashtra

.. RESPONDENT

...

Shri S.J.Salunke, Advocate for applicant

Smt.S.G.Chincholkar, APP for respondent State

...

CORAM : V.M.DESHPANDE, J.

DATED : 5TH MAY, 2015

ORDER :-

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

2] Heard Shri S.J.Salunke, learned counsel for the applicant and Smt.Chincholkar, learned APP for State.

3] The applicant is convicted by learned Special Judge, Majalgaon, Dist.Beed in Special (ACB) Case No.2/2011 dated 16/4/2015 whereby the applicant is convicted for offence punishable under Section 7 of the Prevention of Corruption Act, 1988. On that count, the applicant is directed to suffer R.I. for one year and to pay

fine of Rs.1000/- in default to pay fine, to suffer further S.I. for 3 months. The applicant is also convicted for the offence punishable under Section 13 (1) (d) read with 13 (2) of the Prevention of Corruption Act, 1988. On that count, the applicant is directed to suffer R.I. for 2 years and to pay fine of Rs.2000/- in default to pay fine, to suffer further S.I. for 4 months.

4] The substantive jail sentence is already suspended by the learned Special Judge in order to enable the present applicant to approach this Court.

5] The learned counsel for applicant submitted that the applicant was on bail throughout and at no point of time, he has misused the liberty granted to him. He has further submitted that the fine amount is already deposited by present applicant. The Statement is accepted.

6] Looking to the duration of the sentence and looking to the fact of pendency of Criminal Appeals before this Court, in near future, there is no possibility of the appeal being taken for final hearing, the application is allowed.

7] The substantive jail sentence imposed upon the applicant by Special Judge Majalgaon, Dist.Beed in Special (ACB) Case No.2/2011 for offences punishable under Sections 7 and 13 (1) (d) read with 13 (2) of the Prevention of Corruption Act, 1988 shall remain suspended during the pendency of appeal.

8] The applicant shall be released on bail on he executing PR bond of Rs.15000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount.

9] The applicant shall remain present before this Court at the time of final hearing of the Appeal. With these directions, Application is allowed and disposed of.

(V.M.DESHPANDE,J.)

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