

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

**CRIMINAL APPLICATION NO. 2435 OF 2015  
IN  
CRIMINAL APPEAL NO. 401 OF 2015**

Morsingh Motilal Jadhav

**.... APPLICANT**

**V E R S U S**

The State of Maharashtra

**.... RESPONDENT**

.....

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

Mrs. V.A.Shinde, A.P.P. for Resp. – State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 6<sup>th</sup> MAY, 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 Mrs. V.A.Shinde, learned A.P.P. for respondent – State.

3. Applicant is convicted by the learned Additional Sessions Judge, Jalgaon in Special [A.C.B.] Case No. 16/2012 for the offences punishable u/s 7, 12, 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act. He is directed

to suffer Simple Imprisonment for two years and to pay fine of Rs. 5,000/-, in default of payment of fine, to suffer Simple Imprisonment for three months for the offence punishable u/s 7 of Prevention of Corruption Act. He is also directed to suffer Simple Imprisonment for two years and to pay fine of Rs. 10,000/-, in default of payment of fine, to suffer Simple Imprisonment for four months for the offence punishable u/s 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act.

4. Learned counsel for the applicant submits that entire fine amount is already deposited. He submitted that at no point of time, applicant has mis-used the liberty granted to him by the Court below. Statement accepted.

5. According to the learned counsel for the applicant, learned Judge of the Court below exercised the powers u/s 389 of Cr.P.C. to enable the applicant to approach this Court.

6. Looking to the quantum of sentence imposed upon the applicant and the fact that present Appeal can not be taken up for final hearing in the near future in view of the pendency of the Appeals since the year 2000, present application can be considered favourably.

7. In that view of the matter, I propose to pass the following order.

(i) The present application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by the learned Additional Sessions Judge, Jalgaon in Special [A.C.B.] Case No. 16/2012 for the offences punishable u/s 7, 12, 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act be suspended during the pendency of the present Appeal and the applicant be released on bail on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety of 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.]**