

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1569 OF 2015
IN
CRIMINAL APPEAL NO. 1158 OF 2015

Balasaheb Walmik Borse	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Jayant J. Bardeskar, for the applicant.
Mr. Ajay Patil, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 22nd December, 2015.

P.C.

This is an application under Section 389 of Cr.P.C. 1973 seeking suspension of substantive sentence imposed upon the applicant by the Addl. Sessions Judge, Nashik in Special Case No.2 of 2011 vide judgment and order dated 30.11.2015.

2. The applicant herein is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and is sentenced to suffer R.I. for three years and fine of Rs.2,500/- in default further S.I. for a term of three months. The applicant is also convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention

of Corruption Act, 1988 and is sentenced to suffer R.I. for three years and fine of Rs.2,500/- in default S.I. for a term of three months.

3. Since the applicant was on bail during the pendency of the trial and the applicant has been sentenced to a substantive sentence of three years, the substantive sentence has been temporarily suspended by the Special Court in order to enable the applicant to file an appeal. The sentence has been suspended for a period of two months i.e. the appeal period. In view of this, the substantive sentence imposed upon the applicant deserves to be suspended.

ORDER

- (i) The application under Section 389 of Cr.P.C. is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall furnish bail before the Special Court within four weeks from today. Upon failure to furnish the bail bonds within four weeks, the prosecution is at liberty to file an application seeking withdrawal of the relief granted in favour of the applicant.
- (iii) The applicant shall deposit the fine amount, if not paid.
- (iv) The applicant shall report to the Sessions Court, Nashik, once

in six months on the date specified by the Sessions Court.

(v) Upon failure to report on any two consecutive dates, the prosecution will be at liberty to seek cancellation of bail.

(vi) At the time of furnishing the bail bonds, the applicant shall furnish his permanent address, cellphone numbers and other details.

(vii) The applicant shall furnish the permanent address and cellphone numbers of the sureties.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)