

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1588 OF 2015
IN
CRIMINAL APPEAL NO. 1163 OF 2015

Dr. Sujata Madhukar Pardeshi	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Sachin Thombare, Advocate for the appellant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 23rd December, 2015.

P.C.

The applicant herein is original accused No.2 in Special Case No.10 of 2015. The applicant herein is convicted for an 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 four years and fine of Rs.10,000/- in default, further R.I. for six months by the Special Judge (Anti-Corruption), Pune, in Special Case No.10 of 2015 vide judgment and order dated 19.12.2015.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of conditions imposed upon the applicant. The applicant is taken into

custody on 19.12.2015 as she has been sentenced to R.I. for four years. The learned counsel for the applicant further submits that the Special Court⁶ has not appreciated the evidence in its proper perspective. The applicant is sentenced to a short-term sentence.

3. The Hon'ble Apex Court in the case of **Kiran Kumar vs. State of M.P. (2001) 9 SCC 211**, the Hon'ble Apex Court has held as follows :-

“This Court has held in Bhagwan Rama Shinde Gosai v. State of Gujarat that when a person is convicted and sentenced to a short-term imprisonment the normal rule is that when his appeal is pending the sentence should be suspended and rejection is only by way of exception and be put forward for such rejection. In such case also every endeavour should be made to have the appeal posted for early hearing and disposal. If the short-term sentence is allowed to run out during the pendency of the appeal, the appeal itself will become, for all practical purposes, infructuous so far as the appellant is concerned.”

In view of this, the applicant deserves to be enlarged on bail during the pendency of the appeal. Hence, the following order :-

ORDER

(i) The application is allowed.

- (ii) The substantive sentence imposed upon the applicant is hereby suspended. She be enlarged on bail. Same bail, fresh bonds..
 - (iii) The applicant shall cause her appearance before the Special Judge, Pune, once in six months on the date assigned by the Special Judge.
 - (iv) Upon failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.
 - (v) Parties to act on an authenticated copy of this order.
- Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)