

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 81 OF 2016
IN
CRIMINAL APPEAL NO. 40 OF 2016

Sunilraj Janardan Kumbhar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Tejas Hilage for Applicant
Mr. A. S. Patil APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : JANUARY 27, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicant herein is convicted for offence punishable under section 7 of Prevention of Corruption Act, 1988 and sentenced to suffer imprisonment for one year and fine of Rs. 4000/- in default to suffer simple imprisonment for 4 months, he is also convicted for offence punishable under section 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year and fine of Rs. 4,000/- in default to suffer simple imprisonment for 4 months by

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Special Judge, Kolhapur, in Special Case No. 10 of 2012 vide Judgment and Order dated 22/12/2015.

2) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial and has not committed breach of any conditions imposed upon him. It is also submitted that sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal would be heard in the near future since this court is hearing the appeals of the year 1995-1996.

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

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on bail, same bail fresh bonds.
- (iii) Fresh bonds to be executed within 4 weeks from today. Upon failure to execute fresh bonds within 4 weeks, Special Court shall issue non-bailable warrant against accused/applicant.
- (iv) Applicant shall attend to the Special Court, Kolhapur once in six

months, as directed by the Special Court, during the pendency of the appeal.

(v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

(vi) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)