

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 34 OF 2016
IN
CRIMINAL APPEAL NO. 15 OF 2016

Mr. Shailendra Govind Walake	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Gulestan Mehernosh Dubash, Advocate for the applicant.
Mr. H.J.Dedhia, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 19th January, 2016.

P.C.

The applicant herein is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to R.I. for one year and fine of Rs.4,000/- in default S.I. for four 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 R.I. for one year and fine of Rs.4,000/- in Special Case No. 9 of 2013 by the Special Judge, Kolhapur vide judgment and order dated 9.12.2015.

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 any conditions imposed upon him. The sentence imposed upon the applicant is a short-term sentence and it is not likely that the appeal would be heard in near future since this Court is hearing appeals of the year 1995/1996. In view of this, the applicant deserves to be enlarged on bail during the pendency of the appeal.

3. It is made clear that the suspension of substantive sentence shall not be construed as suspension of conviction. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended.
- (iii) The applicant be enlarged on bail. Same bail, fresh bonds.
- (iv) The applicant shall furnish bail bonds within four weeks from today before the Special Judge, Kolhapur. Upon failure, the prosecution

would be at liberty to take appropriate steps.

(v) The applicant shall cause his appearance before the Special Judge, Kolhapur once in six months during the pendency of the appeal on the date assigned by the said Court.

(vi) Upon failure to attend the said Court on any two consecutive dates, the prosecution will be at liberty to move for cancellation of bail.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)