

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 169 OF 2016
IN
CRIMINAL APPEAL NO. 96 OF 2016

1) Manohar Maruti Ingle	)	
2) Chhaya Manohar Ingle	)..	Applicants
.		(Orig. Accused)
vs.		
1) CBI ACB Pune.	)	
2) The State of Maharashtra	)...	Respondents

Mr. Vijay N. Shingnapurkar, Advocate for the applicants
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 2nd March, 2016.

P.C.

Heard. This is an application under Section 389 of Cr. P.C. The applicant herein is convicted for the offence punishable under Section 13(2) read with Section 13(e) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for three years and fine of Rs.5,00,000/-, in default, S.I. for six months. The applicant No.2 is convicted for the offence punishable under Section 109 of IPC and is sentenced to suffer R.I. for three years and fine of Rs.5,00,000/-, in default, S.I. for six months by the Special Judge (CBI – ACB Cases), Pune in Special Case No.49 of 2014

vide judgment and order dated 16.1.2016.

2. The learned counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. It is further submitted that the sentence imposed upon the applicants is a short-term sentence. That this Court is hearing appeals of the year 1996, where the appellants are convicted for the offence under the provisions of the Prevention of Corruption Act. Hence, it is not likely that the appeal would be taken up for final hearing in the near future. In view of this, the applicants deserve to be enlarged on bail.

3. The learned counsel for the applicants submits that on 30.1.2016, the applicants have deposited the fine amount. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended. They be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicants shall furnish fresh bonds within three weeks

from today. Upon failure to furnish fresh bonds within three weeks, the learned Special Judge shall issue non-bailable warrants against the applicants calling upon them to serve the rest of the substantive sentence.

(iv) The applicants shall report to the Court of the Special Judge (ACB), Pune, once in six months on the dates specified by that Court. In case of failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(v) It is made clear that suspension of substantive sentence would not mean suspension of conviction.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)