

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 272 OF 2016
IN
CRIMINAL APPEAL NO. 160 OF 2016

Umesh Genu Kandhare. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rohan Nahar, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 3, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicant herein happens to be the accused No. 2 in Special Case No.
41 of 2015. The learned Special Judge(Anti-Corruption) Pune vide

Judgment and Order dated 11/2/2016 has been pleased to convict the present applicant for an offence punishable under Section 12 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 3,000/- i.d. R.I. for 3 months.

3 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 condition imposed upon him. It is further submitted that the sentence imposed upon the applicant is a short term sentence. That the accused No. 1 who is convicted for offence punishable under Section 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act has been enlarged on bail.

4 This Court is hearing the appeals of the year 1996 wherein the appellants are convicted for the offence punishable under the provisions of Prevention of Corruption Act, 1988 and therefore, it is not likely that the present appeal would reach the stage of final

hearing in near future. In view of this, the applicant deserves to be enlarged on bail during the pendency of the appeal.

5 Hence, following order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail. Same bail fresh bonds.
- (iii) The applicant shall furnish bail bonds before the Special Court, Pune, within 3 weeks from today, failing which, the Special Court, Pune shall issue non-bailable warrant against the applicant calling upon him to serve rest of the sentence.
- (iv) The applicant shall furnish his residential address, his contact numbers like cell phone numbers, landline numbers etc. to the concerned court.
- (iii) The applicant shall report to the Special Court, Pune once in 6 months on the date specified by the concerned Court. Upon failure

to attend on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

6 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)