

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 395 OF 2016
IN
CRIMINAL APPEAL NO. 232 OF 2016

Pradeep s/o Trimbakrao Kale

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rajendra Deshmukh i/b Mr. Aashish Satpute Advocate for
Applicant.

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 22, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicant herein who happens to be original accused no. 2 in Special Case No. 31 of 2015 is convicted for offence punishable under section 7 of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 2000/- in default to suffer further rigorous imprisonment for 3 months, applicant is also convicted for offence punishable under section 13 (1) (d) r/w

ism

section 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 4 years and to pay fine of Rs. 2000/- in default suffer further imprisonment for 3 months by Special Judge, Pune vide Judgment and Order dated 14/03/2016.

2) Learned counsel for the applicant submits that applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. Learned counsel further submits that sentence imposed upon the applicant is a short term sentence and that the applicant has been taken into custody on 14/03/2016, that the applicant has deposited the amount of fine. This Court is hearing criminal appeals against the conviction of the year 1996. Hence, it is not likely that the appeal would be taken up for the final hearing in the near future. In these circumstances, applicant deserves to be enlarged on bail during the pendency of appeal.

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) Applicant be enlarged on provisional cash bail for a period of 4 weeks during which he shall furnish fresh bail bonds.
- (iv) Applicant shall report to Court of Special Judge, Pune, once in six months, as directed by the concerned court, till the conclusion of appeal.
- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (vi) It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.
- (vii) Application stands disposed of.
- (viii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)