

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 398 OF 2016
IN
CRIMINAL APPEAL NO. 235 OF 2016

Ranganath Bhaurao GaikarApplicant
V/s.
The State of MaharashtraRespondent

WITH
CRIMINAL APPLICATION NO. 397 OF 2016
IN
CRIMINAL APPEAL NO. 234 OF 2016

Raghunath Vitthalrao SaluApplicant
V/s
The State of MaharashtraRespondent

Mr. Omkar Nagwekar h/f Mr. P. R. Arjunwadkar Advocate for the
Applicants.
Mr. S. S. Pednekar APP for the State.

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

PC :

Heard. These are applications under section 389 of Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. Applicants
herein are original accused nos. 1 & 2 in Special Case No. 25 of 2011. Both

accused are convicted for offence punishable under section 7 & 13 (1) (d) r/w section 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 5000/- in default to suffer simple imprisonment for one month on each count by Special Judge, Pune, vide Judgment and Order dated 20/02/2016.

2) Learned counsel for the applicants submits that applicants were on bail during the pendency of trial and has not committed breach of any conditions imposed upon them. Learned counsel further submits that sentence imposed upon the applicants is a short term sentence. This Court is hearing criminal appeals against conviction of the year 1996. It is not likely that the appeal would be taken up for final hearing in the near future. In these circumstances, applicants deserve to be enlarged on bail during the pendency of appeal.

ORDER

- (i) Applications are allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended and they be enlarged on bail, same bail, fresh bonds.

- (iii) Applicants shall furnish fresh bail bonds before Special Court, Pune within 4 weeks from today, failing which Special Judge shall issue non-bailable warrant against applicants, calling upon them to serve rest of the substantive sentence.
- (iv) Applicants shall attend Special Court, 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.)