

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 420 OF 2016
in
CRIMINAL APPEAL NO. 243 OF 2016

Vilas Dattatraya Hole	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U.Nikam, Advocate for the applicant.
Mr. V.S.Mhaispurkar, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 23rd March, 2016.

P.C.

Not on board. Upon production taken on board.

2. This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence. The applicant herein is convicted for the offence punishable under the provisions of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for 3 years and fine of Rs.3,000/- in default further R.I. for 3 months. The applicant is also convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of P.C.Act and sentenced to suffer R.I. for 4 years and fine of Rs.5,000/- in default further R.I. for six months by the Special Judge (Anti-Corruption),

Pune in Special Case No.57 of 2015 vide judgment and order dated 21.3.2016.

3T he learned counsel for the applicant submits that the applicant has deposited the fine amount imposed upon him. That the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. Hence, he deserves extension of the same relief during the pendency of the appeal. It is further submitted that the applicant has been taken into custody on 21.3.2016 and is in custody. That the sentence imposed upon the applicant is a short-term sentence. It is not likely that the appeal would be heard in the near future. Hence, the applicant deserves to be enlarged on bail.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended.
- (iii) He be enlarged on bail. Same bail, fresh bonds.
- (iv) The applicant be enlarged on provisional cash bail for a period of four weeks from today.

(v) In case of failure to furnish the bail within four weeks from today, the Special Judge shall issue Non-bailable warrant calling upon the applicant to serve the rest of the sentence.

(vi) The suspension of substantive sentence shall not be construed as a suspension of conviction.

(vii) The applicant shall report to the Court of Special Judge,(Anti-Corruption), Pune once in six months on the dates specified by that Court.

(viii) In case of failure to attend the Court of Special Judge (Anti-Corruption), Pune, on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(ix) Parties to act on an authenticated copy of this Order.

Application is allowed in the above terms and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)