

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 639 OF 2016
IN
CRIMINAL APPEAL NO. 357 OF 2016

Pintu Kisan Tidke. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Kalpesh Patil i/b. Mr. Abhijeet M. Patil, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : MAY 6, 2016

P.C.:

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

2 This is an application under Section 389 of the Code of Criminal Procedure, 1973 seeking suspension of the substantive sentence imposed upon the applicant. The applicant herein is convicted for the offence punishable under Section 12 read with Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for 3

years and to pay fine of Rs. 1,000/- in default to suffer R.I. for 1 month by Special Judge, Pune in Special Case No. 22 of 2015 vide Judgment and Order dated 18/4/2016.

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 conditions imposed upon him. The sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal would be heard in the near future. In view of this, the applicant deserves to be enlarged on bail during the pendency of the appeal.

4 Hence the 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 bond.

(iii) The applicant shall furnish fresh bail bond before the Special Court, Pune within 6 weeks from today. Upon failure the learned Special Judge, Pune shall issue non-bailable warrant against the applicant calling upon him to serve the rest of sentence.

(iv) The applicant shall furnish his residential address, contact numbers such as cell phone number, landline number etc. to the concerned Court.

(v) The applicant shall report to the Special Judge, Pune once in 6 months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates by the applicant, the prosecution is at liberty to move for cancellation of bail.

5 It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.

6 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)