

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 674 of 2016

IN

CRIMINAL APPEAL No. 390 of 2016.

Mr Suresh Dharma Sonawane ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Mr A.D.Joshi, Advocate for the applicant.

Mr G.P. Mulekar, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th July, 2016

P.C.

- 1) Heard the learned counsel for the applicant.
- 2) This is an application for suspension of sentence and for releasing the applicant on bail.
- 3) The applicant has been convicted under sections 7 of the Prevention of Corruption Act and is sentenced to suffer simple imprisonment for a period of six months and to pay a fine of Rs.500/-, in default of payment of fine to further undergo simple imprisonment for one week by the learned Special Judge, Thane by its Judgment and Order dated 10.5.2016 in Special Case (ACB) No.7/2007. By the same Judgment and Order, the applicant has also been convicted under section 13(2) of the said Act and sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.500/-, in default of payment of fine to further suffer S.I. for one month. The Trial Court has directed that the substantive sentences shall run concurrently.
- 4) The applicant was on bail during the trial. The maximum

substantive sentence imposed upon the applicant is simple imprisonment for one year. This is a short term sentence. After the pronouncement of the impugned Judgment and Order dated 10.5.2016 the Trial Court has released the applicant on bail under section 389 (3) of Cr.P.C. There is no possibility of the appeal being heard on merits in the near future.

5) In the circumstances, the applicant is entitled for bail.

Hence, the following order.

ORDER

- a) The substantive sentence imposed upon the applicant is suspended during the pendency of the appeal;
 - b) The applicant be released on bail on his furnishing a P.R. bond of Rs.25,000/- with one or two local sureties in the like amount;
 - c) The applicant shall attend the Trial Court once in three months on every first Monday of the month between 11:00 to 1:00 p.m. during the pendency of the appeal;
 - d) Any two consecutive defaults in marking the presence before the Trial Court will entitle the prosecution for seeking cancellation of bail granted to the applicant;
- 6) The application is allowed in the aforesaid terms.
- 7) All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)