

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 752 OF 2016
IN
CRIMINAL APPEAL No. 412 of 2016.

Shankar Dagdu Jadhav

..Applicant/Appellant.
(Orig.accused no.2)

Vs

State of Maharashtra

..Respondent.

Mr. Sunil Kale i/by Omkar Nagwekar for the Applicant.
Mr.A.S. Shitole, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th July, 2016

P.C.

- 1) This is an application for suspension of substantive sentence and for releasing the applicant on bail.
- 2) The applicant-original accused no.2 has been convicted under Section 7 and 13 (1) read with section 13 (2) of the Prevention of Corruption Act, 1988 and sentenced to suffer simple imprisonment for one year on first count and two years on the second count and to pay a fine of Rs.5000/- and Rs.7000/- on each count respectively by the learned Special Judge, Thane in Special Case (ACB) No.20/2005 by its Judgment and Order dated 5.5.2016. The substantive sentence is ordered to run concurrently.
- 3) The learned Counsel appearing for the applicant submitted that during the pendency of the trial, the applicant was on bail and after the impugned Judgment and Order dated 5.5.2016 passed by

the learned Trial Court, the applicant has been released on bail as contemplated under section 389 (3) of Cr.P.C. He further submitted that there is no report that the applicant has violated any of the conditions of the bail during the trial.

4) The substantive sentence imposed upon the applicant is of two years simple imprisonment. This is a short term sentence. There is no possibility of the appeal being heard on merits in near future. In the circumstances, the applicant is entitled for bail.

5) 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 PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- c) The applicant shall attend the Trial Court once in six months of every first Monday of the said month between 11.a.m.to 1.00 p.m;
- d) Any two consecutive defaults in marking the presence will entitle the prosecution for seeking cancellation of bail granted to the applicant;
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)