

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 834 OF 2016
ALONG WITH
CRIMINAL APPLICATION NO. 835 OF 2016
IN
CRIMINAL APPEAL No. 468 of 2016

Laxman Bhagwan Suryavanshi ..Applicant/Appellant.
(Orig. Accused)

Vs

State of Maharashtra ..Respondent.

Mr R.B. Mokashi, Advocate for the Applicant.
Mr A.S. Patil, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 19th July, 2016

P.C.

- 1) The aforesaid applications are for suspending the substantive sentence and for releasing the applicant on bail respectively.
- 2) The applicant is the original accused no.1 in Special Case (ACB) No. 20 of 2005. The applicant is 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 and two years and to pay a fine of Rs. 5000/- and Rs.7000/-, in default of payment of fine to suffer further simple imprisonment for six months 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 sentences are ordered to run concurrently.
- 3) The learned counsel appearing for the applicant submitted that he has already deposited the fine amount in the Registry of the Trial Court. He further submitted that there is no report that the

applicant has violated any of the conditions of the bail during the trial.

4) After the pronouncement of the impugned Judgment and Order dated 5.5.2016 the learned Trial Court, has released the applicant on bail as contemplated under section 389 (3) of Cr.P.C. The maximum substantive sentence imposed upon the applicant is of two years of simple imprisonment. This is a short term sentence. There is no possibility of the appeal being heard in the near future. In view of the same, I am inclined to release the applicant on 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.50,000/- with one or two local sureties in the like amount;
- c) During the pendency of the appeal applicant shall attend the Trial Court once in three months on every first Monday of the said month between 11:00 a.m. to 1:00 p.m;
- d) Any two consecutive defaults, in attending the Trial Court, will entitle the prosecution for seeking cancellation of bail granted to the applicant;
- e) Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)