

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1013 OF 2016

IN

CRIMINAL APPEAL NO.556 OF 2016

RAHUL NAMDEV BANSODE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.C.P.Sengaonkar, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 30th AUGUST 2016.

P.C. :

1 This is an application for suspension of substantive sentence and for grant of bail by the accused who is convicted under Sections 7, 13(1)(d) and 13(2) of Prevention of Corruption Act, contending that applicant is falsely involved in this case by complainant, who is a hawker selling clothes on road alleging that applicant, who at the material time was working as a Labour in-charge in "C" Ward, within whose jurisdiction complainant was displaying his stall, had demanded bribe for release of articles, alleged to have been seized by the officials of BMC.

2 According to the case of applicant, infact, he has no power either to seize or for release of articles. It is also contended that the seizure panchnama which is relied by prosecution is in respect of certain articles and not clothes, on the strength of which, the case of prosecution is based, to the effect that applicant for release of his articles being clothes, demanded bribe.

3 On perusal of impugned judgment it appears that applicant came to be convicted for a period of 2 years and to pay a fine of Rs.5,000/-, in default, to suffer simple imprisonment for 2 months, on both counts. He is directed to pay fine of Rs.10,000/-.

4 Considering the sentence of 2 years as aforesaid, imposed upon applicant which can be termed to be short sentence and as it is stated that applicant has paid amount of fine, application is allowed by suspending sentence and granting bail to applicant, as per order below :

- i) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.25,000/- with 1 surety in like amount.

- ii) While on bail, applicant shall mark his presence before the learned Special Judge, once in six months, and shall submit proof of his address to the Investigating Officer and shall communicate change in address, if any.

(P. N. DESHMUKH, J.)