

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1134 OF 2016

IN

CRIMINAL APPEAL NO.618 OF 2016

SANJAY GOVIND JADHAV

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Abhishek Yende, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 27th SEPTEMBER 2016.

P.C. :

1 This application is filed for suspension of substantive sentence and for grant of bail. Learned counsel for applicant has submitted that applicant was on bail pending trial and on his conviction his sentence is suspended by the learned Special Judge, till the period of appeal is over. It is pointed out that even on merits, no case of prosecution can be said to be established as there is no convincing evidence establishing recovery of bribe money from possession of applicant as its serial numbers do not tally with the serial

numbers of currency notes as stated in the pre-trap panchnama. It is further contended that even on the point of sanction, no case is established as sanction accorded by Competent Authority is defective. It is also submitted that the sanctioning authority has admitted that no work, for which bribe is alleged to have demanded and accepted by the applicant, was pending with him at the time of incident.

Applicant appears to be convicted for the offence punishable under Sections 7 and 13(1)(d) read with 13(2) of Prevention of Corruption Act, and on both counts is sentenced to suffer imprisonment for 1 year and to pay a fine of Rs.5,000/-, in default, to suffer simple imprisonment for 5 months.

Admittedly, applicant was on bail pending trial and it is no case of prosecution that while on bail, he had misused the liberty granted to him. The substantive sentence imposed upon the applicant is suspended by the learned Special Judge till the appeal period is over. Appeal is preferred within limitation. Having considering the facts, application is liable to be allowed as per order below :

- i) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.20,000/- with one surety

in like amount.

- ii) While on bail, applicant shall mark his presence with Karvir Police Station, District Kolhapur, once in six months, on the first day of such month, pending appeal.
- iii) Applicant shall provide proof of his residence to the Investigating Officer and change in address in future, if any, to the concerned police station.
- iv) Application is allowed in above terms.

(P. N. DESHMUKH, J.)