

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1276 OF 2016

IN

CRIMINAL APPEAL NO.684 OF 2016

SUBHASH GAJANAN KOLI

)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Tejas Hilage, Advocate for the Appellant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 25th OCTOBER 2016.

PC. :

1 This application is filed for suspension of sentence and conviction imposed upon applicant by learned Special court in Kolhapur in Special Case No.3 of 2013. Learned counsel for applicant submits that he is not pressing for suspension of conviction at this stage. Accordingly, application is duly considered only for the purpose of suspension of sentence and for grant of bail.

2 It is contended that applicant was on bail pending trial and he has good case on merits and has deposited fine amount of Rs.10,000/-. Learned counsel for applicant also makes a statement that the substantive sentence imposed by the learned Special court is already suspended by the concerned court, however, copy of such order is not annexed with the application. Statement made as aforesaid is accepted.

3 Record reveals that applicant came to be convicted for the offences punishable under Section 7 of the Prevention of Corruption Act 1988 and is sentenced him to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.5000/-, in default, to suffer simple imprisonment for 5 months. Similar sentence as well as fine amount is imposed upon applicant for the offence punishable under Sections 13(1)(d) and 13(2) of Prevention of Corruption Act.

4 Considering the fact that applicant was on bail pending trial and as it is no case of prosecution that applicant has misused liberty granted to him and as he has already paid the fine amount, sentence is stated to be suspended by the Special court till the appeal period is over, application is 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 Pethvadgaon Police Station, Taluka Hatkanangale, District Kolhapur, once in three months, pending appeal.
- iii) Applicant shall submit proof of his residence to the Investigating Officer and change in address, if any, in future, to the concerned Police Satation.

(P N. DESHMUKH, J.)