

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1378 OF 2016
(FOR BAIL)**

**IN
CRIMINAL APPEAL NO.718 OF 2016**

Devidas Rohidas Devkate Applicant

versus

State of Maharashtra ... Respondent

Ms. Prabha U. Badadare, advocate for the applicant.

Ms. A.A Takalkar, APP for the State/Respondent.

CORAM : A.M.BADAR, J.

DATE : 17th NOVEMBER, 2016

P.C. :

1. This is an application under section 389 of Cr.P.C. for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal.

2. The applicant/accused is convicted for the offence punishable under section 7 as well as under section 13(1)(d) r/w 13(2) of the Prevention of Corruption Act. For the offence

punishable under section 7, he is sentenced to suffer Rigorous Imprisonment of 1 year with fine of Rs.5,000/-, in default to suffer Rigorous Imprisonment for 1 month. For the offence punishable under section 13(1)(d) r/w 13(2) of the said Act, applicant is sentenced to suffer Rigorous Imprisonment of 1 year and to pay a fine of Rs.5,000/-, in default to undergo further Rigorous Imprisonment of one month.

3. The learned counsel appearing for the applicant argued that the applicant is a police constable and there is no likelihood of his fleeing away from the course of justice during the pendency of the appeal. It is further argued that during pendency of the trial, the applicant was on bail and he has not misused his liberty.

4. The learned APP opposed the application by contending that once the offence is proved, the consequence must follow and therefore applicant cannot be released on bail.

5. A short term sentence is imposed on the applicant,

who is a public servant. The appeal will take its own time for final hearing. There is no likelihood of disposal of the instant appeal in near future. There is nothing on record to suggest that the applicant would not cooperate this Court in disposal of appeal. Therefore, the application needs to be allowed with following order:

ORDER

1. Suspension of sentence and imprisonment imposed on the applicant is suspended and he is released on same bail with fresh bond.
2. Application is disposed of accordingly.

(A.M. BADAR, J.)