

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO. 2369 OF 2017
IN
CRIMINAL APPEAL NO. 193 OF 2017**

Sudhir Madhavrao Pathak

.. Applicant

VERSUS

The State of Maharashtra

.. Respondent

...
Mr. Rajendra S. Deshmukh, Advocate for the applicant.
Mrs S. S. Raut, APP for respondent/State.

.....

**CORAM : V.L. ACHLIYA, J.
DATE : 12th JUNE, 2017**

Per Court :-

1. The applicant-appellant has moved this application seeking suspension of sentence and release on bail during the pendency of appeal for the reasons set out in detail in the application.

2. The applicant-appellant was held guilty for the offences punishable under Sections 7 and 13 (1)(d) r.w. 13 (2) of The Prevention of Corruption Act, 1988 (in short 'the Corruption Act'). The applicant - appellant is sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.500/- for committing offence under Section 7 of the Corruption Act and he is also sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.500/- for committing offence under Sec.13 (1)(d) of the Corruption Act.

3. Learned counsel submits that, the applicant-appellant has good case to succeed in appeal. Trial Court has suspended sentence to enable the applicant to prefer appeal. Applicant has deposited the fine amount. Learned

Counsel further submits that, looking to the nature of offence and the sentence awarded, it is desirable that, sentence be suspended and the applicant-appellant be enlarged on bail, otherwise the appeal may become infructuous.

4. Learned APP opposed the application. He contended that looking to the nature of offence & sentence awarded, the request may not be entertained.

5. Having regard to the submissions advanced and considered the overall nature of offence and sentence awarded, I am of the view that the application deserves to be allowed.

6. Looking to huge pendency, it may not be possible to immediately take up the appeal for final hearing. I am, therefore, inclined to pass the following order.

ORDER

- (1) Pending disposal of the appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount by the applicant-appellant.
- (2) Pending disposal of the appeal, the applicant–appellant be enlarged on bail on his furnishing bail in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount, on following conditions.
 - (i) Pending disposal of the appeal, the applicant shall attend Police Station Manwat, Tq. Manwat, Dist. Parbhani.
 - (ii) The applicant–appellant shall not indulge into any offence of similar nature during the pendency of the Appeal.

- (iii) During pendency of appeal, the applicant-appellant shall furnish the names of his three close relatives with their addresses and phone numbers.
- (3) Bail be furnished in the trial Court within a period of three weeks from the date of this order, else the order passed stands vacated.
- (4) In the event of breach of any of the conditions as above, the bail granted to the applicant - appellant will be liable to be cancelled.
- (5) The Officer In-charge of the Police Station Manwat, Tal. Manwat, Dist. Parbhani, is directed to submit the report of compliance of conditions of bail after every six months.
- 7. Criminal application stands disposed of in above terms.

(V. L. ACHLIYA)
JUDGE