

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

**CRIMINAL APPLICATION NO. 2924 OF 2017
IN
CRIMINAL APPEAL NO. 241 OF 2017**

Sadashiv s/o Dnyandeo Nawale

..... APPLICANT

V E R S U S

The State of Maharashtra

..... RESPONDENT

.....

Mr. Govind Kulkarni h/f Mr. R.S.Deshmukh,
Advocate for Applicant.

Smt. S.S.Raut, A.P.P. for Resp. - State.

.....

CORAM : V.L.ACHLIYA, J.

DATE : 27th JUNE, 2017

.....

ORDER :

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

2. Heard learned counsel for the applicant, A.P.P. for the respondent – State and further perused record and

proceedings.

3. In nut-shell, it is the contention of the learned counsel for the applicant that the applicant has good case to succeed in Appeal. According to the learned counsel for the applicant, prosecution has failed to prove the guilt against the applicant beyond reasonable doubt. He further submits that the trial Court has suspended the sentence. During the trial, the applicant was on bail. Looking to the nature of offence and the sentence awarded, learned counsel submits that in order to avoid the possibility that Appeal may become infructuous, substantive sentence be suspended and urge to release the applicant on bail.

4. On the other hand, learned A.P.P. submits that there is strong evidence to prove the guilt against the applicant. The applicant was caught raid-handed while accepting the bribe. She submits that looking to the nature of offence and crime committed, the application be rejected.

5. Having appreciated the submissions advanced in light of the Judgment and order passed by the trial

Court, I am of the view that pending disposal of the Appeal, the substantive sentence deserves to be suspended and the applicant be released on bail. The applicant was tried for the offence punishable u/s 7 and 13 (1) (d) read with section 13 (2) of the Prevention of Corruption Act, 1988. On conclusion of trial, the applicant is held guilty for both the offences and sentenced to suffer rigorous imprisonment for 2 years and 3 years respectively. Looking to huge pendency of Appeals, it may not be possible to immediately take up this Appeal for final hearing. In case the sentence is not suspended, there is every likelihood that Appeal may become infructuous. I am, therefore, inclined to allow the application and 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 applicants.

[2] Applicant Sadashiv s/o Dnyandeo Nawale be enlarged on bail on his furnishing bail in the sum of Rs. 50,000/- [Rupees Fifty Thousand] with one or two

sureties in like amount on following conditions.

[i] Pending disposal of the Appeal, the applicant shall appear and record his appearance before the Dy. Superintendent, Anti-corruption Bureau, Beed on 2nd Sunday in each month in between 5.00 to 8.00 p.m.

[ii] The applicant shall not leave Beed city without intimating the Dy. Superintendent, Anti-corruption Bureau, Beed.

[iii] The applicant shall not indulge in the commission of any criminal offence.

[iv] The applicant shall furnish the names and addresses of their three (3) close relatives.

[3] In case of breach of any condition, the bail granted to the applicant shall be liable to be cancelled.

[4] Dy. Superintendent, Anti-corruption Bureau, Beed is directed to submit the report in respect of compliance of conditions after every six months.

[5] Bail to be furnished in the trial Court within the period of suspension as ordered by the trial Court or within one week from the date of order. Failure to furnish the bail within the stipulated period, the order of grant of bail stands cancelled. Compliance report be sent to this Court.

[6] After receipt of record and proceeding with paper book, the Appeal be listed for final hearing.

[V.L.ACHLIYA, J.]