

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.52 OF 2017

IN

CRIMINAL APPEAL NO.27 OF 2017

GANESH SAVTA ADSUL

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Aditya Mite i/b. Mr.M.G.Shukla, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 23rd JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant / accused on bail during the pendency of the instant appeal.

2 Heard the learned advocate appearing for the applicant / accused as well as the learned APP for the State. The learned APP opposed the application by contending that the

offence punishable under Section 7 of the Prevention of Corruption Act has been proved against the applicant / accused.

3 Perused the impugned judgment and order passed by the learned Special Judge under the Prevention of Corruption Act convicting the applicant / accused of the offence punishable under Section 7 of the Prevention of Corruption Act. The applicant / accused is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.25,000/-, in default, to undergo further rigorous imprisonment for 4 months. He is, however, acquitted of the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act.

4 Considering the short sentence imposed upon the applicant / accused and the fact that the appeal may not be heard in near future, keeping in mind the nature of alleged offence which is proved by the learned trial court, liberty of the applicant / accused needs to be protected during pendency of the appeal. Therefore the order :

- i) The application is allowed.
- ii) Substantive sentence imposed upon the applicant / accused is suspended and he is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)