

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.185 OF 2017

IN

CRIMINAL APPEAL NO.95 OF 2017

Mr.Jaywant Baburao Mane ... **Appellant**
V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Vaibhav G. Bagade, Advocate for the Appellant.

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

....

CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

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

2 The applicant/accused is convicted of the offence punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. For the offence punishable under Section 7 of the said Act, he has been sentenced to suffer rigorous imprisonment for one year apart from payment of fine of Rs.10,000/-, in default to undergo simple imprisonment

for three months. On another count, he has been sentenced to rigorous imprisonment for one year apart from payment of fine of Rs.10,000/- in default to suffer undergo simple imprisonment for three months.

3 Heard the learned Advocate appearing for the applicant/accused. He argued that the fine amount has already been deposited by the applicant/accused before the trial Court. He submits that considering the short sentence imposed upon the applicant/accused and keeping in mind the time for disposal of appeal, the applicant is entitled for relief.

4 The learned Additional Public Prosecutor opposed the application.

5 I have carefully considering the rival contentions of the parties and also perused the Judgment and order. Short sentence has been imposed upon the applicant/accused after finding him guilty of the offences punishable under the Prevention of Corruption Act, 1988. Hearing of the appeal will take its own time. The substantive sentence of imprisonment has already been suspended by the trial Court.

6 In this view of the matter, the following order :

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

(A.M.BADAR J.)