

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.471 OF 2017

IN

CRIMINAL APPEAL NO.271 OF 2017

BALIRAM DEVRAM MORE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Smt.G.M.Dubashi, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th MARCH 2017.

P.C. :

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

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

and there is evidence regarding pre-trap and post-trap panchnama and therefore, is opposing release of the applicant / accused on bail during pendency of the appeal.

3 According to the prosecution case, the applicant / accused, who is Agriculture Officer of Panchayat Samiti, Satara, had demanded and accepted an amount of Rs.5,000/- towards illegal gratification for granting proposal for grant of license to establish nursery moved by the complainant. After trial, the learned Special court was pleased to convict the applicant / accused for offences punishable under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act. For the offence punishable under Section 7 of the Prevention of Corruption Act, he is sentenced to suffer rigorous imprisonment for 3 years and for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, he is sentenced to suffer rigorous imprisonment for 4 years. Apart from this, the learned trial court has imposed some fine and had directed the applicant / accused to undergo some sentence in default of

payment of fine. It is reported that the applicant / accused has already paid the fine imposed on him by the trial court.

4 Considering short sentence imposed upon the applicant / accused and the fact that the appeal will take its own time for final hearing, the applicant / accused, who is a public servant, deserves to be released on bail, and therefore the order :

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

(A. M. BADAR, J.)