

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1133 OF 2017

IN

CRIMINAL APPEAL NO.662 OF 2017

SUNIL BHAURAO NIKAM

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Harshad Bhadbhade i/b. Mr.Pankaj Medhe, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 20th SEPTEMBER 2017

P.C. :

1 Leave to amend prayer clause.

2 This is an application for suspension of sentence and release the applicant / accused on bail during pendency of the appeal filed by him. The applicant / accused is convicted of the offence punishable under Sections 7, 13(1)(d) and 13(2) of the

Prevention of Corruption Act. On both counts, he is sentenced to suffer simple imprisonment for 1 year,

3 Heard the learned advocate appearing for the applicant / accused. He submitted that substantive sentence of imprisonment has already been suspended by the learned trial court and therefore, the applicant / accused deserves to be bailed out considering short sentence imposed on him.

4 The learned APP opposed the application.

5 I have considered the rival submissions and also perused the impugned judgment and order of conviction, so also copies of deposition placed on record. Short sentence of 1 year has been imposed on the applicant / accused on both counts. Substantive sentence is directed to run concurrently by the learned trial court. Considering the short sentence of 1 year and pendency of the appeals before the court, the appeal filed by the applicant / accused may not be heard in near future. Hence the applicant / accused deserves liberty. Therefore the order :

ORDER

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

(A. M. BADAR, J.)