

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1302 OF 2016
IN
CRIMINAL APPEAL NO.691 OF 2016**

Ghurphekan P. Ram ... **Applicant**

V/s.

Union of India & Anr. ... **Respondents**

.....

Mr.P.B.Birajdar i/b. Mateen A.R.Shaikh, Advocate for the Applicant.

Mr.H.S.Venegaonkar, Advocate for the UOI.

Mr.Shyam V. Walve, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 8th August 2017.

P.C. :

1 At the outset, the learned Advocate appearing for the Applicant submits that though in the prayer clause, prayer is made to stay the conviction, he is not pressing that prayer and the Application be considered for bail.

2 The applicant/accused is convicted of offence punishable under Sections 5(5), 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act and Sections 409 and 477A of the Indian Penal Code and he has been sentenced to suffer imprisonment. The maximum sentence imposed on the Applicant

is for three years and sentences are directed to run concurrently.

3 Heard the learned Advocate for the applicant/accused. The learned Advocate appearing for the Applicant submits that the Applicant has deposited entire fine amount before the trial Court and by an order dated 31/08/2016, he has been released on bail by the learned trial Court by suspending his sentence. The learned Advocate appearing for the C.B.I. is not disputed this fact. He opposed the application by contending that after due trial the applicant/accused has been convicted of offences alleged against him. I have also heard the learned Assistant Public Prosecutor.

4 Short sentence of three years of imprisonment is imposed on the applicant/accused, who is a public servant. There is no possibility of his absconding. The substantive sentence imposed on the applicant/accused has already been suspended by the learned trial Court. There is no likelihood that the Appeal filed by him may be heard in near future.

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

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

(A.M.BADAR J.)