

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1580 OF 2017  
WITH  
CRIMINAL APPLICATION NO. 1581 OF 2017  
IN  
CRIMINAL APPEAL NO. 961 OF 2017

Manohar Pundalik Kothawade ..Applicant/ Appellant

v/s.

The State of Maharashtra ..Respondents

Mr. Yusuf Iqbal Yusuf, Ms. Nikita Bangera, Mr. Irfan Pathan i/b. Y & A  
Legal for the Applicant.

Mr. H.J.Dedhia APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : NOVEMBER 29, 2017.**

**P.C.**

1. The applicant who was an accused in. Special Case ACB No. 03 of 2013 on the file of the learned Additional Sessions Judge, Thane has been held guilty of the offences under Section 7, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988 and is sentenced to undergo maximum imprisonment of two years with fine of Rs.25,000/- in respect of each offence, in default to undergo simple imprisonment for three months. The substantive sentences are to run concurrently. By this application, the applicant has sought

suspension of execution of sentence and for releasing him on bail.

2. Heard the learned Counsel for the applicant and the learned APP for the State. Perused the record.

3. The learned Counsel for the applicant has submitted that the applicant has already deposited the fine amount of Rs.50,000/- before the Additional Sessions Judge, Thane. The learned Counsel for the applicant further stated that the applicant was on bail during pendency of trial.

4. The applicant has been sentenced to undergo short term imprisonment of two years. The appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases. Hence, rejection of application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits. It is not in dispute that the applicant has not violated the terms of bail bond during the period when he was released on bail.

5. Considering the above factors, and also considering the nature

of the allegations and the evidence in support thereof, in my considered view, this is a fit case for suspending the execution of sentence and releasing the applicant on bail pending the final hearing of the appeal. Hence, the order:

- (i) The applications are allowed.
- (ii) The execution of sentence imposed by the learned Additional Sessions Judge, Thane in Special Case ACB No. 03 of 2013 is suspended till the final disposal of the appeal on merits, subject to the applicant furnishing fresh bail bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Thane.
- (iii) The applicant shall furnish his contact number and his permanent as well as local address, if any, to the Investigating Officer as well as in the fresh bail bonds.

**(ANUJA PRABHUDESSAI, J.)**