

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1433 OF 2018

IN

CRIMINAL APPEAL NO.1039 OF 2018

Vilas Ganpati Khilari & Anr. ... **Applicants**

V/s.

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

.....

Mr.Niranjan S. Mundargi, Advocate for the Applicants.

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

....

CORAM : A.M.BADAR J.

DATED : 27th AUGUST 2018.

P.C. :

1 This is an application for suspension of sentence and releasing the applicants/accused Nos.1 and 2 on bail during pendency of the appeal filed by them.

2 Both the applicants/accused are convicted for the offences 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 Prevention of Corruption Act, they are sentenced to suffer three years of rigorous

imprisonment and on another count, they are sentenced to suffer rigorous imprisonment for four years. Apart from this, both the applicants/accused are also directed to pay fine and on failure to undergo default sentence imposed on them.

3 Heard the learned Counsel appearing for the applicant/accused as well as the learned Additional Public Prosecutor.

4 Short sentence of imprisonment is imposed on the applicants/accused, who were on bail during pendency of the trial. The learned Counsel appearing for the applicants submits that if the applicants, by this date, had not deposited the fine amount, they will deposit the same within a period of fifteen days. Considering pendency of the appeals before this Court, the instant appeal may not be heard within short period of five years. Therefore, the Order :

ORDER

- (i) The application is allowed.

- (ii) The substantive sentence of imprisonment imposed on the applicants/accused is suspended and they are directed to be released on bail on their executing P. R. Bond of Rs.15,000/- each and on furnishing surety in the like amount by each of them.

- (iii) As a condition of this Order, the applicants/accused should not repeat commission of similar offence in future.
- (iv) Initially, on request of the learned Counsel for the applicants/accused, for the period of four weeks, both the applicants/accused be released on depositing cash security of Rs.15,000/- by each of them.
- (v) The application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

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