

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1548 OF 2018

IN

CRIMINAL APPEAL NO.1117 OF 2018

WITH

CRIMINAL APPLICATION NO.1549 OF 2018

IN

CRIMINAL APPEAL NO.1117 OF 2018

Dinesh Kumar Chouhan ... **Applicant**

V/s.

The State of Maharashtra ... **Respondents**

.....

Mr.D.S.Jambaulikar, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 11th OCTOBER 2018.

P.C. :

1 These are applications for releasing the
applicant/accused on bail by suspending the substantive sentence
imposed on him by the learned trial Court during pendency of the
appeal filed by him.

2 The applicant/accused is convicted for the offence
punishable under Section 7 of the Prevention of Corruption Act,

1988 read with Section 120 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 read with Section 120 of the Indian Penal Code. On first count, he is sentenced to suffer rigorous imprisonment for one year apart from imposition of fine of Rs.20,000/- and default sentence of rigorous imprisonment for three months. On another count, he is sentenced to suffer rigorous imprisonment for two years apart from imposition of fine of Rs.50,000/- and in default to undergo further rigorous imprisonment for four months.

3 Heard the learned Advocate appearing for the applicant/accused. He makes a statement at bar that entire amount of fine is already deposited by the applicant/accused. He submits that the applicant/accused was on bail throughout and even after conviction he is released on bail by the learned trial Court.

4 The learned Additional Public Prosecutor appears for the State and opposed the application.

5 Short sentence of imprisonment imposed on the applicant/accused has already been suspended by the learned trial Court. He has reportedly deposited the entire amount of fine. The appeal filed by the present applicant/accused may not be listed for final hearing in next two years, considering the pendency of appeals. Hence, the Order :

ORDER

- (i) The applications are allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P. R. Bond of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) The applications are disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

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by Raju
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