

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1589 OF 2018

IN

CRIMINAL APPEAL NO.1132 OF 2018

WITH

CRIMINAL APPLICATION NO.1590 OF 2018

IN

CRIMINAL APPEAL NO.1132 OF 2018

Moinuddin Khan @ Hasan ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Amol A. Patankar i/b. Mr.Madan Varge, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent No.1/State.

....

CORAM : A.M.BADAR J.

DATED : 25th SEPTEMBER 2018.

P.C. :

1. Leave to amend the cause title of the application, as prayed, is granted. Amendment be effected forthwith.

2 These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

3 The applicant/accused No.2 is convicted for the offence punishable under Section 12 of the Prevention of Corruption Act, 1988 read with Section 120-B of the Indian Penal Code. He is sentenced to suffer rigorous imprisonment for one year apart from direction to pay fine of Rs.5,000/- and in default to further undergo rigorous imprisonment for two months.

4 Heard the learned Advocate appearing for the applicant/accused as well as the learned Additional Public Prosecutor for the respondent No.1/State.

5 During pendency of the trial, the applicant/accused was on bail and even after recording conviction against him, he is released on bail by the learned trial Court by exercising powers under Section 389 of the Code of Criminal Procedure. Short sentence of imprisonment is imposed on the applicant/accused and the appeal filed by him may not be heard within a period of one year.

6 In this view of the matter, the following 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) As a condition of this order, the applicant/accused should not repeat commission of similar offence in future.

(iv) The applications are disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad
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