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

CRIMINAL APPLICATION No. 1859 OF 2018
IN
CRIMINAL APPEAL No. 1335 OF 2018

Anil Himmatrao Shingane	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Arvind G. Awasarmol i/b. Mr. Anand G. Awasarmol for
Applicant
Mr. Y.M. Nakhwa -APP for State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : NOVEMBER 19, 2018

P.C.:

1. This is an application under section 389 of Cr.P.C. The Applicant herein is convicted under section 8 of the Prevention of Corruption Act, 1988 and is directed to suffer Simple Imprisonment for 3 years and directed to pay fine of Rs. 1,000/-, in default, Simple Imprisonment for 15 days vide judgment and order dated 22nd October, 2018.
2. It is submitted that the Applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him.
3. The Applicant herein is sentenced to a short term sentence. In view of the judgment of the Hon'ble Apex Court in the case of **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130**, the substantive sentence of the Applicant deserves to be suspended

during the pendency of the appeal. Hence, the following order.

ORDER

- (i) The criminal application is allowed.
 - (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 22nd October, 2018 is hereby suspended and he be enlarged on bail on furnishing P.R. Bond in the sum of 50,000/- and one or more solvent sureties in the like amount.
 - (iii) It is made clear that this Court has not suspended the conviction of the Applicant.
 - (iv) The Applicant shall report to the Court of Special Judge under the Prevention of Corruption Act, 1988, Greater Mumbai once in six months on the day and date as directed by the Special Court. Upon failure to attend any two consecutive dates by the Applicant, the Special Judge shall send report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.
 - (v) The Applicant be enlarged on provisional cash bail for a period of four weeks within which period he shall furnish solvent sureties to the satisfaction of the Court.
- Criminal Application is disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]