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

CRIMINAL APPLICATION No. 1968 OF 2018
IN
CRIMINAL APPEAL No. 1460 OF 2018

Minu Kamlesh Gupta	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. M.V. Thorat for Applicant	
Mr. H.S. Venegavkar for Respondent -CBI	
Mr. S.S. Pednekar -APP	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 6, 2018

P.C.:

1. This is an application under section 389 of the Criminal Procedure Code. The Applicant herein is convicted by the Special Judge, CBI-ACB, Pune vide judgment and order dated 23rd November, 2018 in Special Case No.15 of 2017.

2. The Applicant is convicted for the offence punishable under section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for 3 years and fine of Rs.500/-, in default, S.I. for 3 moths. She is also convicted for the offence punishable under section 13(1)(b) and 13(2) of the Prevention of Corruption Act, 1988 and sentence to suffer R.I. for 4 years and find of Rs.500/-, in default, S.I. for 3 months.

3. The learned counsel for the Applicant submits that the Applicant is 79% disabled person right from birth. She is about 51

years' old. That she was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon her.

4. In any case, the sentence awarded is a short term sentence. In view of this, the Applicant deserves to be enlarged on bail. However, it is made clear that suspension of substantive sentence shall not be construed as suspension of conviction. Hence, following order:

ORDER

- (i) The Application is allowed.
- (ii) Substantive sentence imposed upon the Applicant vide judgment and order dated 23rd November, 2018 in Special Case No.15 of 2017 passed by the Special Judge, CBI-ACB Pune is hereby suspended, she be enlarged on bail on furnishing P.R. Bond in a sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall mark her presence once in a year before the Special Judge, CBI-ACB, Pune on the date assigned by the Special Judge. Upon failure to attend any two consecutive dates, the Special Court shall report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.
- (iv) The Applicant be enlarged on provisional cash bail of Rs.50,000/- and she shall furnish solvent sureties and P.R. Bond within four weeks from the date of release to the satisfaction of the Special Court.

Criminal application is allowed and disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam