

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 826/2018
IN CRIMINAL APPEAL NO.507/2018

Kisansingh s/o Bhagwansingh Belode .vs. State of Maharashtra through
PSO Chikhaldara, Tq. Chikhaldara, Dist. Amravati.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. N. B. Kalwage, Advocate for applicant.
Mrs. S. V. Kolhe, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 4, 2018

This is an application under Section 389 of the
Code of Criminal Procedure for grant of bail.

Heard Mr. Kalwage, learned counsel for the
applicant and Mrs. Kolhe, learned A.P.P. for the State.

The applicant stands convicted for an offence
punishable under Sections 7 and 13 (1) (d) read with
Section 13(2) of the Prevention of Corruption Act by the
learned Special Judge, Achalpur dated 25.07.2018 in
Special (ACB) No. 4/2009. The minimum punishment
that is inflicted upon the applicant is two years.

On 03.09.2018, present appeal is already
admitted.

It is submission of the learned counsel for the
applicant that after the order of conviction, the applicant

moved an application under Section 389 (3) of the Court below for suspension of substantive jail sentence.

Order dated 25.09.2018 passed by this Court shows that protection granted was ordered to be continued until further orders.

After hearing learned counsel for the applicant and the learned A.P.P. for the State and after perusing the impugned judgment and since the sentence imposed upon the applicant is for a limited duration and in near future there is a least possibility of the appeal being taken up for its final hearing, I exercise my discretion and pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) Substantive jail sentence imposed upon the applicant by learned Additional Sessions Judge-1 and Special Judge, Achalpur in Special (ACB) Case No.4/2009 for an offence punishable under Sections 7 and 13 (2) of the Prevention of Corruption Act, shall remain suspended during the pendency of the appeal.
- (iii) Applicant-Kisansingh Bhagwansingh Belode is directed to be released on bail on he executing PR Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iv) Though, there is a prayer for suspension of conviction, the said prayer is rejected.

(v) The applicant shall remain personally present before the Court at the time of final hearing of the appeal.

The application is disposed of.

JUDGE

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