

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.196 OF 2019

IN

CRIMINAL APPEAL NO.191 OF 2019

Ganesh Chandra Das ... **Applicant**
V/s.

Central Bureau of Investigation,
ACB & Anr. ... Respondents

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Mr.Amit Kadam i/b. H.N. Associates, Advocate for the Applicant.

Ms.Kshitija Wadatar with M.U.Rajput, Advocate for the Respondent No.1.

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

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CORAM : A.M.BADAR J.

DATED : 5th MARCH 2019.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. He is convicted of the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. On first count, he is sentenced to suffer rigorous imprisonment for three years and on the another count, he is sentenced to suffer rigorous imprisonment for four years.

2 Heard the learned Counsel appearing for the applicant/accused. He argued that during pendency of the trial, the applicant/accused was on bail and, as such, he needs to be released on bail.

3 The learned Counsel appearing for the respondent No.1 opposed the application by contending that once the charge is proved by adducing clear and cogent evidence, the substantive sentence imposed on the applicant/accused cannot be suspended and the appeal needs to be heard on merit.

4 I have carefully considered the submissions so advanced and perused the material on record.

5 During the pendency of trial, the applicant/accused was on bail. He has not misused his liberty. Being a public servant, there is no possibility of his absconding and, therefore, the Order :

ORDER

- (i) 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.
- (ii) The application is disposed of accordingly.

(A.M.BADAR J.)