

Vat

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

CRIMINAL APPLICATION No. 1863 OF 2018
IN
CRIMINAL APPEAL No.73 OF 2016

Shobha Pravhu Kamble	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Narenddra V. Sharma for Applicant
Mr. S.S. Pednekar -APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JANUARY 8, 2019

P.C.:

1. The Applicant herein was convicted under the provisions of the Prevention of Corruption Act, 1988 in Special Case No. 47 of 2015 by the Special Judge, Anti Corruption, Pune vide judgment and order dated 21st January, 2016. Being aggrieved by the said judgment and order, the applicant has filed Criminal Appeal No. 73 of 2016 along with Criminal Application No. 137 of 2016 under section 389 of Cr.P.C.

2. By an order dated 29th January, 2016, this Court [Coram: S.S. Jadhav J.] had allowed the application and suspended the substantive sentence imposed upon the Applicant. This Court had granted bail on certain following conditions :

“(i) *The application is allowed.*

- (ii) *The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail. Same bail, fresh bond.*
- (iii) *The applicant shall furnish her residential address, her contact number like landline number, cell phone number, etc. to the concerned court.*
- (iv) *The applicant shall attend the Court of the Special Judge, (Anti-corruption), Pune once in 6 months on the date specified by the concerned court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail”.*

3. The present application is filed seeking modification or alteration of the order dated 29th January, 2016. It is submitted that the Applicant has not abided by the condition No.(iv), imposed upon the Applicant while granting bail. It is submitted in the application that the applicant was fully reliable on the advocate appearing on behalf of her in the present appeal and she followed the instructions and request made by the advocate appearing on behalf of her. It is submitted that recently she has learnt that there was a condition imposed upon the Applicant to attend the Court once in a month.

4. This submission would not inspire the confidence of this Court, neither it is trustworthy. While furnishing bail, the order dated 29th January, 2016 was with the Applicant. Moreover, she was government servant working as a peon in Muktadevi Vidyalaya, Narodi, Tal. Ambegaon. It is clear that the Applicant

is making frail attempt to shift the onus upon the advocate appearing in the appeal.

5. Since there is a violation of the conditions imposed upon her, the applicant shall surrender before the Special Judge within one week from today and file an application seeking bail. In the eventuality that the bail is granted, the applicant shall give an undertaking that she will appear before the Special Court, Pune once in three months till the final decision of the appeal. Upon failure to attend any two consecutive dates, the Learned Special Judge shall make a report to the High Court and the prosecution would be at liberty to file an application for cancellation of bail. In the eventuality that the applicant does not surrender before the Special Court within one week from today, the prosecution would be at liberty to file an application seeking cancellation of bail.

6. It is made clear that the order granting bail on 29th January, 2016 is hereby recalled.

7. Criminal application No. 1863 of 2018 stands dismissed.

[SMT.SADHANA S. JADHAV, J.]