

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

CRIMINAL APPEAL NO.85/2020

Vasant s/o Ladjji Dhoke

..VS..

**State of Mah., thr. Deputy Superintendent of Police, Anti Corruption
Bureau, Akola, Police Station Civil Lines, Akola, Taluka and District Akola**

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

Court's or Judge's Order

.....
Shri A.C.Jaltare, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : FEBRUARY 6, 2020.

1. Heard learned counsel Shri A.C.Jaltare for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri S.S.Doifode, waives service on behalf of the State.

Criminal Application (APPA) No.65/2020

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. By judgment and order of conviction dated 13.12.2019 passed by learned Judge, Special Court, Akola in Special ACB Case No.1/2007, the applicant was convicted for offence punishable under Section 13(1)(e) read with

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Section 13(2) of the Prevention of Corruption Act and was sentenced to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.1.00 lac and in default of payment of the fine amount to suffer further simple imprisonment for 3 months.

3. Learned counsel Shri A.C.Jaltare for the applicant, submits that after the judgment and order of conviction, the applicant filed an application (Exhibit 212) for suspension of the substantive jail sentence and for grant of bail and learned Judge below suspended the said till appeal period and released the applicant on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

Learned counsel, submits that, thereafter, the applicant moved another application (Exhibit 217) seeking time to furnish solvency certification. The said application was allowed by learned Judge below on the very same day and one week time was granted.

Said two applications along with order are filed on record and marked as "Exhibits X and Y" for purposes of identification.

4. It is submission of learned counsel for the applicant that since the applicant could not furnish the bail bonds within a period of one week, he is taken into custody when he attended Court below for furnishing security and still he is in custody.

5. Learned counsel for the applicant, submits that the applicant has not deposited the fine amount. Though learned counsel orally makes a prayer for grant of 2 weeks' time to deposit the fine amount, there is no prayer in the application and, in my view, such time cannot be granted. Hence, the said prayer is rejected.

6. Considering the fact that the applicant was released on bail by learned Judge of the Court below and even during the trial he was on bail, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) The substantive jail sentence imposed upon the applicant, by judgment and order of conviction dated 13.12.2019 passed by learned Judge, Special Court, Akola in Special ACB Case No.1/2007, shall stand suspended during the pendency of this appeal.

(3) The applicant shall be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(4) Learned Judge of the Court below shall not release the applicant, unless the entire fine amount is deposited before the Court below.

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

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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