

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3329 OF 2021
IN
CRIMINAL APPEAL NO. 696 OF 2021

JYOTI D/O DATTATRAY DAFAL @ JYOTI W/O SANDIP
NARAL
VERSUS
THE STATE OF MAHARASHTRA

...
Mr.N.B. Narwade, advocate for the applicant
Mr.A.R. Kale, APP for the respondent/State.

...
CORAM : S.G. DIGE, J.
(Vacation Court)

DATE : 24th DECEMBER, 2021

PER COURT :-

. Heard learned counsel for the parties.

2. The learned counsel for the applicant-accused submits that the applicant-accused has been convicted by the learned Principal District and Sessions Judge, Ahmednagar under Sections 7 and Section 13(1)(b) of the Prevention of Corruption Act, 1988. She was on bail during the trial. She is lady having two daughters, hence requested to allow the application and applicant-accused be released on bail.

3. The learned counsel further submitted that learned Special Judge had wrongly appreciated the evidence and convicted the applicant-accused. It appears from evidence that

applicant-accused is not guilty. Applicant-accused has deposited the fine amount before the Special Court.

4. The learned A.P.P. objected for granting bail to the applicant-accused.

5. The applicant-accused has been convicted under the provisions of the Prevention of Corruption Act by the learned trial Court and has sentenced to suffer rigorous imprisonment for four years and to pay a fine of Rs.20,000/-, in default, to suffer simple imprisonment for three months. The applicant, who was the Government servant, was released on bail through out the trial and there is nothing in the impugned judgment suggesting that she has misused the liberty. The sentence that has been awarded is short term sentence.

6. By taking into consideration all above aspect, it appears that the short term sentence has been awarded. Further when the appeal is admitted, it will take its own time to come up for hearing. She has deposited the fine amount. Hence, the conviction awarded to the applicant deserves to be suspended till the conclusion of the appeal. Hence, I pass the following order :-

ORDER

(i) Criminal Application stands allowed.

(ii) The conviction awarded to the applicant-appellant in Special Case No.03/2018 by learned Special Judge under Section 3 of Prevention of Corruption Act & Principal District and Sessions Judge, Ahmednagar on 21.12.2021 is hereby suspended till the hearing and conclusion of Criminal Appeal No.696 of 2021.

(iii) The applicant-accused shall be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rs.Twenty Thousand only) before the trial Court.

(iv) The parties to act upon authenticated copy of this order.

(S.G.DIGE, J.)

SGA