

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

**INTERIM APPLICATION NO. 2685 OF 2021
IN
CRIMINAL APPEAL NO. 909 OF 2021**

Arvind Baburao Deshpande ..Appellant

v/s.

The State of Maharashtra ..Respondent/s

Ms. Rati S. Sinhasane for the Appellant.

Mr. PH.Gaikwad, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th NOVEMBER, 2021.**

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to amend the prayer clauses (a) and (b) of the Application wherein the words 'Criminal Appeal' have been wrongly typed instead of 'Special (ACB) Case' . Leave granted. Amendment to be carried out forthwith.

2. By this application under Section 389 of Cr.PC., the Applicant has sought suspension of substantive sentence imposed vide judgment and order dated 27.09.2021 in Special (ACB) Case No. 3 of 2010. By the impugned judgment the Applicant who was

accused No.1 in Special Case No. 3 of 2010 has been held guilty of offence under Section 13(1)(e) r/w. 13(2) of Prevention of Corruption Act, and he has been sentenced to undergo rigorous imprisonment for 2 years with fine of Rs.50,000/- i.d. to undergo simple imprisonment for two months.

3. Heard the learned Counsel for the Applicant and the learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

4. The learned Counsel for the Applicant states that the Applicant has already deposited the fine amount before the Special Court. She further states that by order dated 27.09.2021 the Special Court had suspended the sentence till filing of the appeal. The sentence imposed against the Applicant is short term imprisonment. Appeal is already admitted. Considering the large pendency of old cases as well as the present situation arising from COVID-19 pandemic, it would not be possible to hear the appeal in immediate future.

5. The applicant was on bail during pendency of the trial and he has not misused the liberty. Considering the above facts, in my considered view, this is a fit case to suspend the sentence pending the disposal of the appeal. Hence the application is allowed on the following terms and conditions:

- i) Substantive sentence imposed against the Applicant by judgment dated 27.09.2021 in Special (ACB) Case No.3 of 2010 is suspended pending hearing of the appeal;
- ii) The Applicant is ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court;
- iii) The Applicant shall report to the Trial Court once in two months on the day/ date specified by the Trial Court, till the Appeal is finally disposed of;
- (iv) The applicant shall keep the trial Court informed of his current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time.
- v) If there are two consecutive defaults in appearing before the

trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.

. Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)