

INTERIM APPLICATION NO.436 OF 2021
IN
CRIMINAL APPEAL NO.361 OF 2020

Shaliwahan Mukund Solegaonkar	Applicant
versus	
Union of India and another	Respondents

Mr.Manoj Mohite, Senior Advocate, i/by Mr.Chaitanya Pendse,
Adocate for applicant.
Mr.H.S.Venegavkar, Special Public Prosecutor, for Union of India.
Mr.r.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th August 2021

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant (accused no.1) is convicted for the offence punishable under Sections 409, 120-B of Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.50,000/-. He is also convicted for the offences punishable under Sections 13(1)(d) r/w 13(2) of Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.50,000/-. The accused no.4 Rakesh Chandrakant Jadhav was convicted for the offence u/s.120-B r/w 409 of Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/-.

2. The accused no.4 (appellant no.2) in the present appeal had preferred interim application No.1 of 2020 which has been allowed

by this Court vide order dated 28th August 2020 on the ground that sentence awarded is three years rigorous imprisonment. The maximum sentence awarded to the applicant in the present case is to suffer imprisonment for four years.

3. Learned counsel for applicant submitted that the sentence is of short term. The appeal would not come up for final hearing immediately. The applicant has good case on merits. The application preferred by the co-accused seeking suspension of sentence has been allowed. It is submitted that the applicant undertakes to deposit fine amount in all the cases as a condition precedent for his release on bail on suspension of sentence.

4. Mr.Venegavkar, learned Advocate for respondent no.1 CBI, submitted that in one case amongst all these cases in which applicant has been convicted and applicant has been sentenced to suffer imprisonment of ten years.

5. The sentence imposed for conviction under Sections 409, 120-B of IPC is three years and the sentence imposed for offence punishable under Sections 13(1)(d) r/w 13(2) of Prevention of Corruption Act is four years. The accused no.4 Rakesh Jadhav has been sentenced to suffer imprisonment for three years. The application preferred by him for suspension of sentence was allowed by this Court vide order dated 28th August 2020.

6. Considering the aforesaid circumstances, I pass following order:

ORDER

- (i) The substantive sentence of imprisonment imposed vide judgment and order dated 18th February 2020 passed by Special Judge (CBI-ACB), Pune in Special Case No.80 of 2018, is suspended during pendency of Criminal Appeal No.361 of 2020 and the applicant is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The deposit of fine amount in all the cases which is to the tune of Rs.24,00,000/- is condition precedent for the release of applicant on bail on suspension of sentence of imprisonment;
- (iii) The applicant is permitted to furnish cash security of Rs.25,000/- before Trial Court for a period of eight weeks after which the applicant shall furnish PR/SB as above;
- (iv) Interim Application stand disposed of.

(PRAKASH D. NAIK, J.)

MST