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

***CRIMINAL INTERIM APPLICATION NO.908 OF 2021
IN
CRIMINAL APPEAL NO.238 OF 2021***

Manoj Kisan Nawale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Abhishek R. Avachat, for the Applicant.

Ms. S. V. Sonawane, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant vide Judgment and Order dated 5th March 2021, passed by learned Additional Sessions Judge, Nashik, in Special (ACB) Case No. 8 of 2014, has been convicted and sentenced as under:-

- for the offence punishable under Section 7 of the Prevention of Corruption Act, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.10,000/- in default, to suffer further simple imprisonment for 6 months ;
- for the offence punishable under Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.10,000/- in default, to suffer further simple imprisonment for 6 months.

Both the aforesaid sentences were directed to run concurrently.

4. It is not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him. The sentence awarded is a short term sentence. The Appeal has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
- iv) 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 an application seeking cancellation of bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.