

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

**INTERIM APPLICATION NO.1230 OF 2021
IN
CRIMINAL APPEAL NO.350 OF 2021
WITH
CRIMINAL APPEAL NO.350 OF 2021**

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...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Subhash Surve with Mr. Rajendra Hegde for the Applicant.
Mr. S.V. Gavand , APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th SEPTEMBER, 2021.

P.C.:-

INTERIM APPLICATION NO.1230 OF 2021:-

By this application filed under Section 389 of Cr.P.C., the Applicant has sought suspension of substantive sentence imposed by judgment dated 04/02/2021 in CBI Special Case No. 27 of 2012.

2. The Applicant, who was accused No.3 has been held guilty of offences punishable under Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to undergo simple imprisonment for two years with fine of Rs.10,000/- i/d. to undergo simple

imprisonment for two months. The Applicant has also been held guilty of offences punishable under Section 420 r/w. 120B of the IPC and sentenced to undergo imprisonment for one year with fine of Rs.5,000/- i/d. simple imprisonment for one month.

3. Sentence imposed is a short term sentence. Considering the large pendency and also due to the present situation arising from Covid-19 pandemic, it will not be possible to take up the appeal for final hearing in immediate future. The Applicant was on bail pending trial and has not misused the liberty.

4. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

- (i) The substantive sentence imposed vide judgment dated 04/02/2021 in CBI Special Case No. 27 of 2012 is suspended pending disposal of the appeal;
- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.10,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall report to the Trial Court, once in three 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 number 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 an application seeking cancellation of bail.

5. The criminal application stands disposed of.

CRIMINAL APPEAL NO.350 OF 2021:-

6. Heard. Admit. Call for the record and proceedings. Mr. S.V. Gavand, learned APP waives service on behalf of Respondent-State. Paper book to be filed within a period of six months.

(SMT. ANUJA PRABHUDESSAI, J.)