

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

**INTERIM APPLICATION NO. 2703 OF 2022
IN
CRIMINAL APPEAL NO. 811 OF 2022**

Shrichhaya Skumar Birajdar

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Pawan Mali for Applicant.

Mr. Yogesh Y. Dabke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th AUGUST 2022

PC :

1. This is an application for suspension of sentence and the applicant's release on bail during pendency and final disposal of Criminal Appeal Appeal No.811 of 2022.

2. Heard Shri. Pawan Mali, learned counsel for the Applicant and Shri. Yogesh Dabke, learned APP for the State.

3. The case of the prosecution is that the applicant was a Talathi at Mouje Kauthali, Dist. Solapur. The complainant Anil Mane (PW-1) wanted his name to be mutated in the revenue record pursuant to the registered partnership deed. For that

purpose, he met the applicant on 21/07/2014. She demanded Rs.500/- for doing that work. The complainant approached A.C.B. Solapur. The preparation was made to verify the demand and to lay a trap. On 22/07/2014, a trap was laid. The prosecution case was that the applicant had accepted Rs.500/-. The currency note of Rs.500/- was spread with anthracene powder.

4. Learned counsel for the applicant submitted that, the sentence is short. The applicant is convicted U/s.7, 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act, 1988. The maximum sentence is three years. During trial, the applicant was on bail. Even after conviction she was granted bail U/s.389 of the Cr.p.c. by the trial court. He submitted that, on merits she has a good case. There is variance between the version of the complainant and the panch witness. The complainant has deposed that the amount was kept on the table by the applicant, whereas, panch witness stated that the note was in the hand of applicant when she was caught.

5. Learned APP opposed this application.

6. I have considered these submissions. The points on merits will have to be decided at the final hearing stage. The Appeal is already admitted. The applicant was on bail during trial. Even after conviction her sentence was suspended by the trial Court itself. There is no misuse of liberty. The appeal is not likely to be taken up for final hearing within next three years. Therefore, the applicant deserves to be released on bail during pendency and final disposal of appeal.

7. Hence, the following order:

O R D E R

i) During pendency and final disposal of Criminal Appeal No.811 of 2022, the applicant is directed to be released on bail on her executing PR. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)