

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.933 OF 2022
IN
CRIMINAL APPEAL NO.280 OF 2022

Vasant Gopinath Sarvade
versus

Applicant

The State of Maharashtra and another

Respondents

Mr.Ashwin Thool, Ayush Singh, Sushant Mahadik, Sakshee Chavan i/
by Mr.Jaymangal Dhanraj, Advocate for applicant.

Mr.H.S.Venegavkar, APP for State.

Mr.PH.Gaikwad, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th March 2022

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant (accused no.1) is convicted for the offence under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act.

2. The applicant has been sentenced to suffer imprisonment of three years for the conviction under Section 7 of P.C Act and four years for the conviction under section 13(2) r/w 13(1)(d) of P.C.Act.

3. It is submitted that the applicant was on bail during trial. There is no adverse report of misuse of facility of bail. The appeal preferred by applicant has been admitted. The appeal may not come up for hearing in short span of time.

4. The prosecution case is that the applicant, at the relevant time, was working as Deputy Director, Food Safety and Standards

Authority of India, Western Region. Accused no.2 was private person. It is alleged that Global Exim is an importer of chemicals and other items. One of the consignment was held up since 29th September 2015 in Mumbai Customs. Clearing agent approached FSSAI for clearance of goods. There was demand of bribe for releasing consignment. The amount was accepted.

5. The respondents contention is that applicant has been convicted on the basis of evidence.

6. The sentence is of short term. The applicant was on bail during trial. Several grounds are urged in challenging conviction.

7. Sentence of imprisonment can be suspended.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) Sentence of imprisonment imposed vide judgment and order dated 3rd March 2022 passed by Special Judge-CBI, CBI Special Court, City Civil & Sessions Court, Greater Bombay in CBI Special Case No.25 of 2016 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight week in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending

the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST