

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

**INTERIM APPLICATION NO. 976 OF 2022
IN
CRIMINAL APPEAL NO. 296 OF 2022**

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BOREY

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Amol Ashok Salagare

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Shri Ganesh Gole, Advocate i/by Shri Ateet Shirodkar for the
Applicant.

Shri Ajay Patil, APP for the State.

**CORAM : PRAKASH D. NAIK, J.
DATED : MARCH 24, 2022.**

P.C. :

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1. The Applicant has been convicted for the offence punishable under section 7 of Prevention of Corruption Act and sentenced to suffer imprisonment for three years and pay fine of Rs. 5000/-. He has been further convicted for the offence punishable under section 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act and sentenced to suffer imprisonment for four years.

2. The Applicant was on bail during trial. He is in custody from the date of conviction.

3. Learned counsel for the Applicant submitted that the Applicant was working as Senior Clerk in the Tahsil Office at Mahabaleshwar. There are serious discrepancies in the evidence. The Applicant was not concerned for issuing bills,

borey/

which is subject matter of the case of prosecution.

4. Learned APP submitted that the Applicant has been convicted by the Trial Court and there is sufficient evidence against him.

5. Considering the fact that the Applicant was on bail during trial and there is no adverse report about misuse of facility of bail and considering that sentence is of short term, this Interim Application can be allowed. Hence, I pass following order :

ORDER

(i) The sentence of imprisonment imposed vide judgment and order dated 15.03.2022 passed by the learned Special Judge, Satara in Special (ACB) Case No. 16 of 2017 is suspended during the pendency of Criminal Appeal No. 296 of 2022 and the Applicant/ Appellant 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 Applicant is permitted to furnish cash bail of Rs. 25,000/- for a period of eight weeks from the date of his release.

(iii) The applicant shall attend the Trial Court once in six months, on First Saturday of the month, till final disposal of the Appeal.

(iv) In the event of two consecutive defaults in attending the trial court, the said fact may be brought to the notice

of this court. In such eventuality, the prosecution will be at liberty to prefer an application for cancellation of the bail.

5. Interim Application is disposed of.

(PRAKASH D. NAIK, J.)

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