

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

**INTERIM APPLICATION NO.1492 OF 2022
WITH
INTERIM APPLICATION NO.1493 OF 2022
IN
CRIMINAL APPEAL NO.488 OF 2022**

Aashish Ramkrishna Thote .. Applicant/Appellant
Versus
State of Maharashtra .. Respondent

.....

Ms.Prabha Badadare a/w. Mr.Benimadhav Goswami, Advocate for the Applicant/Appellant.

Mr.S.V. Gavand, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : MAY 06, 2022.

P.C. :

Not on Board. Mentioned. Taken on Board.

2 Leave to amend the prayer clause. Amendment is permitted to be carried out forthwith.

3 The applicant/appellant has been convicted for the offence punishable under section 7 of Prevention of Corruption Act (“PC Act”, for short), and, sentenced to undergo rigorous imprisonment for 4 years and fine of Rs.10,000/-. He is also convicted

for the offence punishable under Section 13(1)(c)(d) read with 13(2) of PC Act, and, sentenced to suffer imprisonment of 4 years and to pay fine of Rs.10,000/-.

4 Learned advocate for the applicant/appellant submitted that the applicant/appellant was on bail during the trial. He is taken into custody on the date of conviction. The fine amount has been deposited in the trial Court. Facility of bail has not been misused by the applicant/appellant. The judgment of conviction has been challenged on various grounds.

5 Learned APP submits that the prayers made in this application for suspension of sentence and grant of bail is faulty. It given an impression that the conviction is prayed to be stayed.

6 Learned counsel for the applicant/appellant submits that appropriate amendment would be carried out forthwith.

7 Considering the fact that the sentence is of short term and that the applicant/appellant was on bail during the trial, the sentence of imprisonment can be suspended and bail can be granted, pending Appeal preferred by the applicant/appellant.

8 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application Nos.1492 and 1493 of 2022, are allowed;
- (ii) The sentence of imprisonment imposed by judgment and order dated 5th May, 2022, passed by the Additional Sessions Judge, Vasai and Special Judge, in Special Case (ACB) No.02 of 2012, is suspended and the applicant/appellant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant/appellant is permitted to furnish cash bail security of Rs.20,000/-, for a period of eight weeks, in lieu of surety;
- (iv) Applicant/appellant shall attend the trial Court once in six months on first Saturday of the month, till the disposal of Appeal;
- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to notice of this

Court and the prosecution is at liberty to move an application for cancellation of bail;

(vi) Interim Application Nos.1492 and 1493 of 2022, stand disposed of accordingly.

(vii) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)