

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1920 OF 2022****IN****CRIMINAL APPEAL NO. 630 OF 2022**

Dattatraya Vithoba Naik

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Kartik Garg i/b. Mr. Kushal Ambulkar for Applicant/Appellant.
Mr.Ajay Patil, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.**DATE : 27th June 2022.****P.C. :**

1. This is an application for suspension of sentence and releasing the Applicant on bail.

2. Applicant is original Accused No.2. Applicant has been convicted under Sections 2(c) & 12 of the Prevention of Corruption Act, 1988 (for short, 'P.C. Act') and is sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.15,000/- by the learned Additional Sessions Judge, Pune in Special Case No. 26 of 2016 by its Judgment and Order dated 27th May 2022.

3. Learned counsel for the Applicant submitted that, the Applicant was on bail during the pendency of the trial and there is no report of breach of any of the conditions imposed upon him. He submitted that, the Applicant has

already deposited entire fine amount in the Registry of the Trial Court.

4. The sentence imposed upon the Applicant is three years of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. Applicant was on bail during the pendency of trial and there is no report of breach of conditions imposed upon him.

This Court therefore is of the view that, during the pendency of this Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in Special Case No. 26 of 2016, on his furnishing P.R. bond of Rs.25,000/- with one or two separate solvent local sureties in the same amount.
- (ii) During the pendency of the Appeal, the Applicant is directed to attend Dattawadi Police Station, Pune on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year, till final hearing of present appeal.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]