

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2145 OF 2022****IN****CRIMINAL APPEAL NO. 671 OF 2022**

Himmat @ Hemraj Hirji Nanda

.....Applicant.

Vs.

The State Of Maharashtra

.....Respondent

Mr. C.K. Pendse i/by Siddhi Bhosale for the Applicant.

Mr. Ajay Patil APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 8th JULY, 2022.****P.C.:-**

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

2 Applicant has been convicted under Section 12 of the Prevention of Corruption Act, 1988 and is sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.5,000/-, by the Special Judge under P.C. Act and Additional Sessions Judge, Thane in ACB (Special) Case No.13 of 2004 by its Judgment and Order dated 10th May 2022.

3 The sentence imposed upon the Applicant is a short term sentence i.e. six months of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. Record indicates

that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the bail conditions imposed upon him. Learned counsel for the Applicant submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court.

In view thereof, during the pendency of present Appeal the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

4 Hence, the following Order:-

- (a) Applicant be released on bail in ACB (Special) Case No.13 of 2004 on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (b) During the pendency of the Appeal, the Applicant is directed to attend the office of Anti Corruption Bureau, Thane on every first Monday of the month initially for a period of one year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV SHARNAPPA
MASHALKAR
Date: 2022.07.11
18:31:14 +0530