

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

**INTERIM APPLICATION NO. 3538 OF 2022
IN
CRIMINAL APPEAL NO. 1035 OF 2022**

Seema Subhash Kamble	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Mohsin Khan a/w. Babu Singh a/w. Ramesh Divate a/w.
Niranjan Kondyala for Applicant.

Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th OCTOBER 2022**

PC :

1. This is an application for bail pending the hearing and final disposal of Criminal Appeal No.1035 of 2022 preferred by the applicant.

2. The applicant was convicted by learned Additional Sessions Judge, Pune vide his Judgment and order dated 22/09/2022 passed in Spl.(ACB) Case No.7 of 2016. The applicant was convicted for commission of offences punishable under

sections 7 and 13 of the Prevention of Corruption Act and was sentenced to suffer R.I. for 5 years and to pay a fine of Rs.1 lakh and in default of payment of fine to suffer S.I. for six months.

3. The prosecution case is that the complainant Nitin Dhadve was resident of Sarole village, Taluka Bhore, District Pune. In July 2015 he had purchased 3 Guntha land out of Gat No.126/1, situate at Sarole village from one Nalawade. On 05/11/2015, he approached the applicant, who was working as Talathi in the office at Sarole, for taking mutation entry in the 7/12 extract based on his sale deed. The applicant told him that, she would issue notice for completing the procedure; but she demanded Rs.2000/- for issuing that notice. The complainant then approached the Anti Corruption Bureau, Pune. On 16/11/2015, the complaint was recorded. The verification of demand was made on the same day in presence of panchas and the trap was laid on the same day. The accused was found accepting bribe of Rs.1500/-. The offence was registered. The applicant faced the trial after investigation.

4. Learned counsel for the applicant submitted that, there is discrepancy in the evidence of the complainant as to exactly for what purpose the alleged demand was made. On one hand he deposed that, demand was made for taking mutation entry in 7/12 extract but on the other he had mentioned that the applicant had demanded money for issuing notice. He submitted that the first demand is not proved. The defence of the applicant is that, the complainant had put money in the drawer. He further submitted that the sentence imposed on the applicant is too harsh. The applicant was on bail during trial. She is a lady and, therefore, she deserves to be released on bail in the background of these facts and submissions. Learned counsel for the applicant stated that the applicant has already deposited the amount of fine of Rs.1 lakh before the trial Court.

5. Learned APP opposed this application. She relied on the transcript which is reproduced in the Judgment. She submitted that the anthracene powder was found on her hands and therefore the prosecution has proved its case.

6. I have considered these submissions. At this stage, both the parties have raised some issues which will have to be decided at the stage of final hearing. The applicant is sentenced to suffer R.I. for 5 years. She is a lady. She was on bail during trial. There are no antecedents against her. The reason for awarding more than minimum sentence will have to be decided during final hearing stage. Considering all these aspects, and since the matter is not likely to be decided within a reasonably short period, I am inclined to grant bail to the applicant.

7. Hence, the order:

O R D E R

i) During pendency and final disposal of Criminal Appeal No.1035 of 2022, the applicant is directed to be released on bail on her furnishing P. R. Bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The applicant is permitted to furnish cash bail of Rs.30000/- for a period of 15 days from today.

Within that period, she will have to furnish sureties as directed.

iii) The application is disposed of.

(SARANG V. KOTWAL, J.)