

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL APPEAL NO. 78/2022
(Manohar S/o Baliram Sonone & ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

**Mr. S. D. Chopde, Advocate for appellants.
Mr. V. A. Thakare, APP for non-applicant/State.**

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 11.02.2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. **Admit.**

4. Learned APP waives service of notice for respondent/State.

5. Call for record and proceeding in Spl ACB Case No. 01/2000 from the Trial Court.

CRIMINAL APPLICATION (APPA) NO. 112/2022

1. It is contended that the FIR came to be registered against the applicants in the year 1997 which

was came to be filed in the year 2000. The applicants were prosecuted for the offence punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988 ('P. C. Act') and Section 3 of Benami Transaction (Prohibition) Act. All applicants are held guilty and convicted by the Trial Court. The applicant No. 1 is convicted for offence punishable under Section 13(1)(e) read with Section 13(2) of the P. C. Act and Section 3 of the Benami Transaction (Prohibition) Act and he is sentenced to suffer rigorous imprisonment of two years and to pay fine of Rs. 50,000/- for offence punishable under Section 13(1)(e) read with Section 13(2) of the P. C. Act, in default of payment of fine he is directed undergo simple imprisonment for two months. The applicant Nos. 2 to 7 are also held guilty for offence punishable under Sections 13(1)(e) of the P. C. Act and Section 3 of the Benami Transaction (Prohibition) Act and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 25,000/- each for offence punishable under Section 13(1)(e) of the P. C. Act, in default of payment of fine, they are directed to undergo simple imprisonment for two months. Applicant Nos. 1 to 7 have also been sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 10,000/- each for the offence punishable under Section 3 of the Benami Transaction (Prohibition) Act and in default of payment of fine amount, they are directed to undergo simple imprisonment of one month.

2. During the pendency of the trial, the applicants were enlarged on bail. There are no allegation about breach of liberty granted upon them. It is contended that the appeal may not come up for hearing within short period. It is contended that they be released on bail. It is also contended that the entire fine amount has been deposited by the applicants.

3. Heard learned counsel for the applicants and learned APP. The applicants were on bail during the pendency of the trial and similarly they have been released on bail after conviction by the trial Court. The appeal may not come up for hearing within short period. Therefore, the applicants are entitled for bail. Hence, I pass following order:-

(I) Application stands allowed and disposed of.

(II) The sentences of the applicants are hereby suspended till the final decision of appeal.

(II) The applicant Nos. 1 to 7 are ordered to be released on bail on furnishing P. R. Bond of Rs. 15,000/- each with one surety in the like amount with a condition to attend the hearing of this appeal regularly.

(SURENDRA P. TAVADE, J)