

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

**INTERIM APPLICATION NO. 1650 OF 2022
IN
CRIMINAL APPEAL NO. 564 OF 2022**

Sakharam Chandusing Pawar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Shivprasad C. Kanojia for Applicant.

Mr. S. R. Agarkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 FEBRUARY 2023

PC :

1. This is an application for bail pending final disposal of Criminal Appeal No.564 of 2022 preferred by the applicant challenging Judgment and order dated 05/05/2022 passed by learned Additional Sessions Judge, Vasai, in Special Case (ACB) No.2 of 2012. The applicant was the original Accused No.2 who was convicted for commission of offence punishable U/s.12 of the Prevention of Corruption Act, 1988 r/w. Section 109 of the I.P.C. and was sentenced to suffer R.I. for three years and to pay a fine of

Rs.5000/- and in default of payment of fine to suffer S.I. for one month.

2. Heard Shri. Shivprasad Kanojia, learned counsel for the applicant and Shri. Agarkar, learned APP for the State.

3. The prosecution case is that, the accused No.1 Thote was the Junior Engineer working with the Maharashtra State Electricity Distribution Company Ltd. The complainant Vishal Jaiswal was having license as Electrical contractor. He would get approximate 200 jobs monthly for providing electric meters. For that, he had to prepare the quotations and to fill up the forms. The prosecution case is that, for approval of the quotations, the accused No.1 used to demand Rs.1000/- per quotation. On 12/09/2011, the complainant lodged his complaint with Anti Corruption Bureau because the accused No.1 had demanded Rs.60000/- for 60 quotations. The demand was negotiated to Rs.40000/-. A trap was laid and the present applicant was found accepting that amount on behalf of the accused No.1.

4. Learned counsel for the applicant submitted that, there

is nothing on record to show any connection between the accused No.1 and accused No.2. Therefore, the prosecution has failed to prove any nexus of demand made by the accused No.1 through the present applicant. He submitted that, he is falsely implicated. The description of the trap was not correct. He submitted that the applicant was on bail during trial and even after his conviction he was granted bail U/s.389 of the Cr.p.c.

5. Learned APP opposed this application on merits. He submitted that the prosecution has proved the demand and acceptance. However, he conceded that the sentence imposed is short.

6. I have considered these submissions. The points raised by learned counsel for the applicant will have to be decided at the final hearing stage. However, the sentence imposed on the applicant is short. He was on bail during trial. Even after his conviction, he was granted bail U/s.389 of the Cr.p.c. Considering all these aspects, the applicant can be granted bail during pendency and final disposal of his appeal.

7. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.564 of 2022, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)