

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 587/2023
IN
CRIMINAL APPEAL NO. 377/2023

Dinesh s/o Lala Salunke 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.Chande, advocate for the applicant.

Mr I.J.Damle, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/06/2023.

1. Heard.
2. The present application is filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.
3. The applicant was prosecuted for the offence punishable under Section 7 and 13 of the Prevention of Corruption Act, 1988. After trial, the accused/applicant is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act and sentenced to suffer simple imprisonment for a period of 30 months and to pay a fine of Rs. 10,000/- in default of which, he shall undergo simple imprisonment for a further period of thirty days. The accused/applicant is further convicted for the offence punishable under Section 13(2) read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988 for which, he is

hereby sentenced to suffer simple imprisonment for a period of 42 months and to pay fine of Rs. 10,000/- in default, he shall undergo simple imprisonment for further period of thirty days.

4. The judgment and order of sentence is challenged by the present appellant by preferring this appeal on the ground that, learned trial Court has not appreciated the evidence in proper perspective, and the appellant has every chance of success in the present appeal. However, the appeal will take its own time for its final decision and in the meanwhile, if the sentence is executed the appeal will become infructuous.

5. Heard Mr S.D. Chande, learned counsel for the applicant. He submitted that during the trial also, the appellant was on bail. He will abide by all the conditions imposed by the Court.

6. Learned APP opposed the application on the ground that, if the applicant is released on bail, it would be difficult to secure his presence while deciding the appeal.

7. Heard learned counsel for the respective parties. Perused the judgment. The applicant/accused is convicted on the basis of evidence adduced by the prosecution. Admittedly, the appeal will take its own time for its final decision. Considering the same, the execution of the sentence deserves to be suspended by releasing the appellant on bail. Hence, I proceed to pass the following order:

- a) The execution of the sentence is hereby suspended and the accused is released on bail on executing P.R. bond of Rs. 15,000/- with one solvent surety of the like amount.
- b) The applicant shall attend the trial Court once in a month of the first day of every month and the trial Court shall record his attendance before it.

Criminal application is **disposed of**.

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1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. The appellant to file private paper-book within eight weeks after receipt of record and proceedings.

JUDGE