



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3827 OF 2024
IN
CRIMINAL APPEAL NO. 822 OF 2024

Uttamrao S/o Pandurang Tambe,
Age: 69 years, Occu.: Retired,
R/o: Village Bavi, Taluka and
District : Dharashiv (Osmanabad)

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra,
Anti-Corruption Bureau,
Dharashiv (Osmanabad),
Through the Dharashiv (Osmanabad)
Rural Police Station, Dharashiv
(Osmanabad)

... Respondent

...
Mr. Rajendrraa Deshmukh, Senior Counsel i/b. Mr. Devang R.
Deshmukh a/w Mr. Sanket A. Jadhav, Advocates for Applicant

Mr. S. M. Ganachari, APP for Respondent - State

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 OCTOBER 2024

PRONOUNCED ON : 15 OCTOBER 2024

ORDER :

1. In this application, there are prayers for suspension of sentence and grant of bail during pendency of appeal in which exception has been taken to the judgment and order passed by Special Judge (ACB), Osmanabad, dated 18.07.2024 in Special Case (ACB) No. 1 of 2012.

2. Learned Senior Counsel pointed out that applicant was tried for charge under sections 7, 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, 1988 (for short, "P.C. Act"). That, he is held guilty and sentenced to suffer three years imprisonment. Learned Senior Counsel pointed out that, there are allegations of demand of Rs.5,000/- for carrying out mutation entry, trap was allegedly laid and executed, applicant was apprehended and finally tried. Learned Senior Counsel also pointed out that, applicant is 70 years of age and alleged episode is of a decades back. He was on bail for 13 years. That, appeal has been preferred now. His defence is of planting tainted currency when he had been to other room. That, there are fairly good chances of succeeding in appeal, but as according to him, as it would take much more time to be heard, appeal being of 2024, learned Senior Counsel prays for relief of suspension and grant of bail.

3. Learned APP opposed on the ground that, on full-fledge trial guilt is proved. That, there is demand as well as acceptance. That, defence of thrusting currency is not believable as there are anthracene traces to the hands. For above reasons, according to him, offence being of corruption, relief as prayed may not be granted.

4. Heard. Perused the papers. It is emerging that, applicant was tried vide Special Case (ACB) No. 1 of 2012. However, judgment was rendered on 18.07.2024. Informant seems to have lodged report for demanding Rs.5,000/- for carrying out mutation entry. Said report is seems to be of 18.07.2011. Statement is made across the bar that applicant is an ex serviceman and as on today is 70 years of age. Papers show that, trial of Special Case (ACB) No. 1 of 2012 culminated into conviction recorded on 18.07.2024. Therefore, obviously, trial which commenced in 2012 has concluded after 12 years. Applicant was said to be on bail during trial. Obviously, appeal being of 2024, some more time would be required to hear the appeal. Therefore relief as prayed deserves to be granted. Hence, I proceed to pass the following order:-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Uttamrao S/o Pandurang Tambe in Special Judge (ACB) No.01 of 2012 by learned Special Judge (ACB), Osmanabad on 18.07.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.822 of 2024.

- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.
- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.
- (vii) Bail before the trial Court.

(ABHAY S. WAGHWASE, J.)