



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4371 OF 2024

IN

CRIMINAL APPEAL NO. 947 OF 2024

Dattatray S/o. Rajaram Padwal,
Age : 47 years, Occu. : Service,
R/o. Vishal Nagar, Latur.

... Applicant

Versus

The State of Maharashtra

... Respondent

...

Mr. Nilesh S. Ghanekar, Advocate for Applicant
Mr. S. M. Ganachari, APP for Respondent - State

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 OCTOBER 2024

PRONOUNCED ON : 23 OCTOBER 2024

ORDER :

1. This is an application for suspension of sentence and grant of bail as a result of conviction awarded by learned Sessions Judge, Latur in Special Case (ACB) No. 14 of 2016 recording guilt for offence punishable under section 7 of the Prevention of Corruption Act, 1988.

2. Learned counsel for applicant pointed out that, applicant was tried for offence punishable under sections 7, 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988 and he has been held guilty of offence under Section 7 of the said Act and is sentenced to suffer three years imprisonment. It is pointed out

that applicant was on bail during trial. He pointed out that complainant's evidence is belated one as, according to him, there was demand on 18.01.2016, but ACB authorities are approached on 09.02.2016. Secondly, complainant failed to give date, time and place of demand. That, above all, there was said to be demand by making gestures, but there is no elaboration on the nature of gestures. Therefore, according to learned counsel, applicant has a good case in appeal, but as it would take long time to be heard, he prays for suspension of sentence and grant of bail.

3. Learned APP, who opposed the application, pointed out that charge is cogently proved. That, there is demand as well as acceptance. That, evidence of prosecution has remained intact, and therefore, he prays to dismiss the application as there is no case made out in support of prayers raised.

4. After hearing both sides and going through the record, it seems that, learned trial Judge has tried the applicant for offence under sections 7, 13(1)(d) r.w 13(2) of the Prevention of Corruption Act, 1988. However, conviction is only for offence under Section 7 of the Act. Maximum sentence awarded is of three years. Applicant was said to be on bail during trial. Fine amount is already said to be deposited. Considering the above submissions and the fact that applicant was on bail during trial, relief as prayed

deserves to be granted. Hence, the following order is passed.

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Dattatray Rajaram Padwal in Special Case (ACB) No. 14 of 2016 by learned Sessions Judge, Latur on 09.09.2024 stands suspended till the final hearing and disposal of Criminal Appeal No. 947 of 2024.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees 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 his 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 bail granted to the applicant.
- VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)