

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.394 OF 2024

IN

CRIMINAL APPEAL NO.93 OF 2024

Ganesh Anna Satpute

: Applicant

Vs.

The State of Maharashtra & Anr.

: Respondents

Adv. Jaydeep D. Mane, for the Applicant.

Mrs. M. R. Tidke, APP for the State.

Mr. Amit Munde, SPP for the CBI, ACB (Pune)/Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 15TH FEBRUARY, 2024

PC. :

1. This Application is filed seeking suspension of sentence and release of the Applicant on bail. The Applicant was tried for the offences punishable under Sections 7, 13(1) (d) of the Prevention of Corruption Act and Sections 384 and 201 of the Indian Penal Code. After the trial, Applicant is held guilty of the offences punishable under Sections 7, 13(1) (d) and Section 384 of the Indian Penal Code and he is directed to suffer 5 years imprisonment and Rs.2000/- fine, in default to undergo

simple imprisonment for 2 months. For the offences punishable under Sections 7 & 13(1) (d) each, he is directed to suffer R.I. for 1 year and to pay fine for the offence under Section 201 of the Indian Penal Code. He came to be acquitted for the offence punishable under Section 384 of IPC.

2. Applicant was on bail during the trial. Learned Advocate submits that there is no complaint of misuse of liberty. Appellant has already paid fine amount. He further submits that the sentence is short sentence of 5 years. The appeal is not likely come up for hearing in the near future. He also submits that he has *prima facie* case in his favour and prays for suspension of sentence and bail.

3. Learned Advocate for the CBI vehemently opposes the Application. He submits that, offence is serious. Total 6 witnesses are examined by the prosecution out of them two are eye witnesses. There is also a recording of the conversation between the Accused and Complainant that is proved. The Accused after the incident was absconding for about a month. All these things clearly show that the Applicant is rightly convicted and prays for rejection of the Application.

4. Considering that the sentence is a short sentence and appeal is not likely to be heard in the near future, this Court is inclined to allow the Application. Hence the following order.

ORDER

- a) Application is allowed.
- b) Substantive sentence awarded by the learned Special Judge (ACB) Solapur in Special (ACB) Case No.13 of 2013 dated 16th January, 2004 shall stand suspended pending Appeal.
- c) Applicant shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- along with one or more solvent sureties during the pendency of the Appeal.
- d) He shall keep informed the office of CBI, ACB Pune of his residential address and other contact details and mobile numbers etc.
- e) In case of change of any of contact details immediately report to the said office.
- f) Interim Application stands disposed of.

(KISHORE C. SANT, J.)