



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

**INTERIM APPLICATION NO. 82 OF 2024
IN
CRIMINAL APPEAL NO. 19 OF 2024**

Sandip Vishnu Pawar ..Applicant
VS.
1. State of Maharashtra
2. CBI ..Respondents

Mr. A.Z. Mookhtiar a/w Mr. Bhushan Ove, for the applicant.
Mr. S. H. Yadav, APP for the State.
Mr. Amit Munde, SPP a/w Mr. Parikshit Pawar, for CBI.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 17, 2024

P.C. :

1. This is an application for suspension of sentence pending the appeal. The appeal has been admitted. The applicant was on bail during trial. It is submitted by learned counsel for the respondent no.2 and rightly so that this by itself cannot be a consideration to enlarge the applicant in bail.

2. The applicant was convicted and sentenced for the offence punishable under sections 7, 12, 13(1)d read with 13(2) of the Prevention of Corruption Act, 1988 to suffer

simple imprisonment for 1 year and payment of fine of Rs.5000/-, in default of payment of fine, to suffer simple imprisonment for 1 month. The fine amount has been paid. Learned counsel for the respondent no. 2 submitted that there is ample evidence on record on the basis of which the trial Court has convicted the applicant. It is submitted that the appeal itself be heard finally instead of enlarging the applicant on bail considering the nature of evidence.

3. In my opinion, it is not possible to give a priority hearing of this appeal in view of a large number of appeals which are already pending for final hearing. Considering that the sentence is of 1 year of simple imprisonment and as the appeal is not likely to be heard any time soon, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case. There is nothing on record to indicate that when the appellant was on bail during trial, the applicant has misused the liberty. The sentence is accordingly suspended. Hence, the following order.

ORDER

a) The sentence is suspended.

b) The applicant- Sandip Vishnu Pawar shall be released on same bail as in the trial Court, however, with fresh bonds.

c) The applicant shall report to the trial Court once in six months, i.e. first Monday of the concerned month, between 2.30 p.m. and 3.30 p.m. commencing from February 2024.

4. The interim application is disposed of in the above terms.

(M. S. KARNIK, J.)