

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

**INTERIM APPLICATION NO. 908 OF 2024
IN
CRIMINAL APPEAL NO. 200 OF 2024**

Milind Bhalchandra Hawal

... Appellant/Applicant

Vs.

The State of Maharashtra

... Respondent

Adv. A. R. Avachat, a/w Adv. S. H. Deshpande, for the Appellant/Applicant.
Mrs. M. R. Tidke, APP for State.

CORAM : KISHORE C. SANT, J.

DATE : 22nd March, 2024

P.C.:-

1. Heard learned Advocate for the Applicant and the learned APP.
2. This Application is filed seeking release on bail and suspension of sentence awarded by Special Judge (ACB), Kolhapur, in Special Case (ACB) No.14/2014, Dated 20.02.2024. The Applicant is convicted for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and is sentenced to suffer simple imprisonment for 5 years and to pay fine of Rs. 10,000/- in default further to undergo simple imprisonment for 6 months. He is further convicted for the offence under Section 13 (1) (d) & 13(2) of the Prevention of Corruption Act, 1988 and is sentenced to suffer simple imprisonment for 5 years and to pay fine of Rs. 10,000/-, in default further to undergo simple imprisonment for 6 months.

3. The learned Advocate for the Applicant submits that on merits there was no demand verification panchanama. The Accused No. 2 Deputy Health Director, a superior officer is already acquitted. The Applicant was only working as Clerk with the office of the Accused No. 2. He submits that during the trial the Applicant was on bail there was no complaint of misuse of liberty. He has already deposited the amount of fine. He prays for suspension of sentence and release of the Applicant on bail.

4. The learned APP vehemently opposes the Application she submits that in the present case the offence is under Prevention of Corruption Act, there is clinching evidence against the Applicant. The Applicant does not deserve bail and prays for rejection of the Application.

5. Considering that a sentence is a short sentence of only 5 years and that the Applicant was on bail during the trial coupled with the fact that he has also paid the amount of fine.

6. This Court finds that no purpose will be served by keeping the applicant in jail when the appeal is not likely to be heard in the near future.

Considering the above following Order:-

ORDER

a) The Application stands allowed.

b) The sentence awarded by Special Judge (ACB), Kolhapur, in Special Case (ACB) No.14/2014, Dated 20.02.2024, stands suspended.

- c) The Applicant shall be released on bail on furnishing P R. bond and solvent surety in the sum of Rs. 15,000/-.
- d) The Applicant shall furnish contact details including his mobile number etc., to the concerned Police Station and attend the police station as and when called.
- f) The Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.

7. Interim Application stands disposed of.

(KISHORE C. SANT, J.)