

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

**INTERIM APPLICATION NO. 2179 OF 2024
IN
CRIMINAL APPEAL NO. 581 OF 2024**

Deepali Jagannath Kutwal ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Satyavrat P. Joshi a/w. Yash G. Fadtare for Applicant.
Mr. Arfan Sait, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11 JUNE 2024**

PC :

1. This is an application for suspension of sentence and releasing the applicant on bail during pendency and final disposal of the appeal preferred by the present applicant challenging the Judgment and order dated 24.05.2024 passed by the Special Judge, Baramati, in Special (ACB) Case No.171 of 2018. The applicant was convicted for commission of offence punishable U/s.7 of the Prevention of Corruption Act (for short 'P.C. Act') and was sentenced to suffer R.I. for five years and to pay a fine of Rs.25000/- and in default of payment of fine to suffer S.I. for six

months. She was also convicted for commission of offence punishable U/s.13(2) of the P. C. Act and was sentenced to suffer R.I. for five years and to pay a fine of Rs.25000/- and in default of payment of fine to suffer S.I. for six months. The sentences were directed to run concurrently.

2. The prosecution case is that the applicant was working as Gram-Sevika in the office of Gram Panchayat Sonwadi-Supe. She was a public servant. The complainant's father was sanctioned *gharkul* from the Prime Minister's Awas Yojana. The applicant was entrusted with the job of registering the beneficiaries online and preparation of job card and making Geo tagging etc. It is alleged that the complainant was informed by the applicant that his father was granted that *gharkul* under the extended scheme, but for doing that job she demanded Rs.10000/-. The complainant made a complaint to the Anti Corruption Bureau. The demand was verified on 26.02.2017. Preparation to lay a trap was made and trap was actually laid on 27.02.2017. It is alleged that the applicant had accepted Rs.10000/- in the currency notes which were smeared with anthracene powder. The notes were accepted by the applicant

and were kept in her purse. She was caught on the spot. The F.I.R. was registered at Baramati police station. The investigation was carried out and the applicant was ultimately convicted and sentenced; as mentioned earlier.

3. Learned counsel for the applicant submitted that, according to the prosecution case, at the stage of first demand, one peon was present, but he was not examined. Thus, there is no corroboration to the complainant's evidence of first demand. He submitted that, there is discrepancy between the evidence of the complainant and the pancha who was present at the time of actual trap. The pancha has not specifically stated that the applicant had accepted that amount and then had kept that amount in her purse. All these discrepancies go to the root of the matter. The applicant is falsely implicated. The maximum sentence imposed on the applicant is five years. She is a lady. She is not likely to abscond. She had attended the trial diligently. Learned counsel submitted that the fine amount is already paid.

4. Learned APP opposed these submissions on the merits of

the matter. However, he could not counter the submission that the sentence is of five years and the Appeal may not be heard in that period. The points raised on merits can be considered at the stage of final hearing, but those points merit serious consideration.

5. The applicant is a lady. The sentence imposed is of five years. The appeal is not likely to be heard during that period. Therefore, the applicant deserves to be released on bail during pendency of the Appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.581 of 2024, the Applicant is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)