

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

**INTERIM APPLICATION NO. 2637 OF 2024
IN
CRIMINAL APPEAL NO. 699 OF 2024**

Umesh Prakash Kale
Versus
State of Maharashtra

..Applicant

..Respondent

Mr. Yash Fadtare a/w. Satyavrat Joshi i/b. Jaydeep D. Mane for
Appellant.
Smt. Sangita D. Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10 JULY 2024

PC :

1. The applicant was the original accused No.2 in Special (A.C.B.) Case No.7 of 2017 before the Special Judge (A.C.B.), Solapur. The applicant was convicted for the offence punishable U/s.12 of the Prevention of Corruption Act, 1988 (for short 'P.C.Act') and was sentenced to suffer R.I. for three years and to pay a fine of Rs.25000/- and in default to suffer R.I. for six months. He was also convicted for the offence punishable U/s.13(2) of the P.C.Act and was sentenced to suffer R.I. for four years and to pay a fine of Rs.25000/- and in default to suffer R.I.

for six months. The other co-accused i.e. the Accused No.1 was convicted U/s.7 and 13(2) of the P.C.Act.

2. Heard Mr. Yash Fadtare, learned counsel for the Applicant and Smt. Sangita Shinde, learned APP for the State.

3. The prosecution case is that the accused No.1 was working as Senior Clerk in Pay and Provident Fund Unit of the Education Department, Zilla Parishad, Solapur. PW-2 Jagtap was working in Mahalaxmi School, Solapur. He was terminated from his services. His two years' salary was due from the school. He met the Education officer and obtained orders for drawing his salary. However, it was not being released, therefore, he met the accused No.1, with the present applicant. The Applicant was a Lab Assistant. The Accused No.1 demanded Rs.20000/- and subsequently, he demanded Rs.23000/-. The case of the prosecution is that the applicant accepted that amount at the instance of the accused No.1 from the complainant-PW-2 on 18.04.2016.

4. Learned counsel for the applicant submitted that the applicant had no authority to release the salary of the

complainant. PW-2's evidence itself shows that he had met the accused No.1 along with the present applicant. Considering their meeting, at the highest, it can be said that the applicant was trying to help PW-2 in getting his salary and might not be helping the main accused in demanding and accepting the bribe amount. He submitted that the sentence imposed on the applicant is only for four years. The Appeal is not likely to be decided during that period. The applicant was on bail during trial. He has not misused that liberty. He is already facing financial difficulties because of this case. He has a good case on merits.

5. Learned APP opposed these submissions. She pointed out that it was the applicant who has actually accepted the money and, therefore, his role is serious.

6. I have considered these submissions. Some arguable points are raised in this application which will have to be decided at the final hearing stage. The sentence imposed is for four years. The Appeal is not likely to be decided during that period. The applicant was on bail during trial. The accused No.1 is granted bail

pending his appeal, which is already admitted, challenging the same Judgment and order; as pointed out by the learned counsel for the applicant. In this view of the matter, the applicant can also be granted bail pending his appeal.

7. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.699 of 2024, the Applicant is directed to be released on bail on his 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.)