



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 720 OF 2024
IN
CRIMINAL APPEAL NO. 403 OF 2024

Ku. Sarika Bhaskar Chopade/ Sau. Sarika Pankaj Pachlore
Vs
State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.P Bhandarkar, counsel for the applicant/appellant.
Ms. Soniya Thakur, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/08/2024.

1. Heard.
2. By this application, the applicant/appellant has challenged the judgment and order of sentence passed by the learned Special Judge under the Prevention of Corruption Act, and Additional Sessions Judge, Amravati, by which the present appellant, who is the original accused No. 8, is convicted for the offence punishable under Section 109 of the Indian Penal Code, 1860, read with Section 13(2) of the Prevention of Corruption Act, and sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs. 10,000/-, in default, to suffer further R.I. for one month. She is also convicted for the offence punishable under Section 109 of the Indian Penal Code, 1860, along with Section 2 read with Section 3 of the Benami Transactions

(Prohibition) Act, 1988, and sentenced to suffer R.I. for one month.

3. Heard learned counsel for the appellant, who invited my attention towards the observation in the impugned judgment as well as the deposition of the witnesses and pointed out that, the appellant has many arguable points in the present appeal; however, the punishment is of a limited period. In the meantime, if the sentence is executed, the entire purpose of preferring the appeal would be frustrated.

4. He submitted that there is no allegation against the present appellant that either she has misused her liberty during the trial or when she was on bail. In view of that, the execution of the sentence be suspended, and the appellant be released on bail.

5. Learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merits and liable to be dismissed.

6. After hearing learned counsel for the appellant and learned APP for the State, perused the impugned judgment as well as the deposition, which are placed on record. From which, the learned counsel for the appellant pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period and there is no chance of disposal of the appeal in the near future. In view of that, the execution of the sentence

deserves to be suspended by releasing the appeal on bail. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence in Special Case ACB No. 11/2005 is hereby suspended till disposal of the appeal.
- (iii) The appellant shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iv) The appellant shall furnish her cellphone number and address along with the address proof before the trial Court.

The criminal application (APPA) No. 720/2024 is disposed of.

CRIMINAL APPEAL NO. 403 OF 2024

- 1. Heard.
- 2. **ADMIT.**
- 3. Call for R. & P.
- 4. Learned Additional Public Prosecutor waives service of notice on behalf of respondent/State.
- 5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]