



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1600 OF 2025
IN
CRIMINAL APPEAL NO. 317 OF 2025

Vishnu Tulshidas Kale,
Age : 34 years, Occu. : Service,
R/o. Shirala, Tq. & Dist. Latur.

... Applicant

Versus

The State of Maharashtra,
Through the Officer in charge of
Police Station Shivaji Nagar, Latur.

... Respondent

.....
Mr. Mayur V. Salunke, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent – State.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 07 MAY 2025

PRONOUNCED ON : 08 MAY 2025

ORDER :

1. This is an application for suspension of substantive sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge and Special Judge, Latur in Special Case (ACB) No.06 of 2017 for offence punishable under section 7 of the Prevention of Corruption Act.

2. Learned counsel for applicant pointed out that applicant was tried vide Special Case (ACB) No.06 of 2017 and by judgment and order dated 21.04.2025 guilt has been recorded and

awarding sentence of three years. Learned counsel took this court through the judgment passed by learned trial court, which is taken exception to by filing appeal and submitted that, complainant himself has admitted that, official work was already done and therefore, there is no question of demand of illegal gratification. He further pointed out that, shadow pancha did not support, but still guilt has been recorded. Therefore it is submitted that, there is a good case on merits in appeal. However, the same being of 2025, it will take long time to be heard. That, fine amount is already paid. Applicant was on bail during trial and hence relief of suspension of sentence and grant of bail are pressed into service.

3. Learned APP pointed out that, after thorough scrutiny of investigation, judgment of conviction has been recorded. Learned counsel also opposes on the ground of misuse of liberty.

4. Heard. Perused the papers. Applicant seems to be tried vide Special Case (ACB) No. 06 of 2017 for offence punishable under sections 13(1)(d) read with 13(2) and section 7 of P.C. Act. Vide judgment dated 21.04.2025 there is acquittal for offence under section 13(1)(d) r/w section 13(2) of P.C. Act, but guilt is recorded for offence under section 7 of P.C. Act and sentence of three years has been awarded. As submitted, there is challenge to

the said judgment and order on the ground that, complainant admitted that, there was no official work pending and secondly shadow pancha, who is independent witness, has not supported. Even shadow pancha was reported to be outside the chamber of applicant when alleged demand and acceptance was said to be done. Therefore, there are contentious issues, but to be dealt in appeal, it being of 2025, will take sufficiently long time to be heard. As applicant was on bail during trial and fine amount is already paid, relief as prayed deserves to be granted. Hence, the following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Vishnu Tulshidas Kale in Special Case (ACB) No.06 of 2017 by learned Additional Sessions Judge and Special Judge, Latur on 21.04.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.317 of 2025.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.
- IV. The applicant shall not commit any criminal activity.
- V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the

appeal, commencing from the date he tender bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)