



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1036 CRIMINAL APPLICATION NO.1940 OF 2025
IN CRIMINAL APPEAL NO.411 OF 2025**

1] SURESH TOPAJI SINGEWAR
2] OMPRAKASH GANGADHAR SWAMI

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION ACB

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Advocate for Applicant : Mr.S.A.Deshpande
Special Public Prosecutor for Respondent : Mr.S.S.Panale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24.06.2025

P.C. :

1] The present application has been filed by the applicants for suspension of substantive sentenced imposed on them in Special ACB No. 07/2015, dated 28.05.2025, by learned Special Judge [ACB], Bhokar. The applicants have been convicted thus:

1] Accused No.1 Suresh Topaji Singewar is convicted of the charge of offence punishable under section 7 of The Prevention of Corruption Act, 1988, vide Section 235(2) of Cr.P.C and he is sentenced to suffer Rigorous Imprisonment for 03 years and fine of Rs. 1,000/-(Rs. One Thousand Only), in default, further he shall suffer R.I. for 06 months.

2] Accused No.1 Suresh Topaji Singewar is convicted of the charge of offence punishable under section 13(2) r.w.Section 13 (1)(d) of The Prevention of Corruption Act, 1988, vide Section 235(2) of Cr.P.C and he is sentenced to suffer rigorous imprisonment for 04 years and fine of Rs. 1,000/-(Rs. One Thousand Only), in default, further he shall suffer R.I. for 08 months.

3] Accused No. 2 Omprakash Gangadhar Swami is convicted of the charge of offence punishable under section 12 of The Prevention of Corruption Act, 1988, vide Section 235(2) of Cr.P.C and he is sentenced to suffer Rigorous Imprisonment for 04 years and fine of Rs.1,000/- (Rs. One Thousand Only), in default, further he shall suffer R.I. for 08 months.

2] It is the case of the prosecution that the applicants demanded by way of illegal gratification of Rs.15,000/- for not taking action against the informant as the informant has not deposited amount of Rs.700/-in three RD accounts when informant was serving at Kamari Branch, Himayatnagar. On the basis of information given by the informant, trap was laid and the accused was found making demand of money. The amount was demanded by accused no.1 and accepted by accused no.2.

3] The learned counsel for the applicants submits that the informant and the applicants are working in the same Department and the case is registered out of enmity between the parties. The video recording has not been seized, so also, when the recording was made or transferred on the memory card, the same is not supported by certificate under Section 65 of the Indian Evidence Act. He further submits that report which was required to be submitted by the accused was already submitted to the superior officer as regards non deposit of amount. He further submits that the acceptance of money from the informant is towards premium of postal life insurance which the applicants were entitled to receive the same. He further submits that he has arguable case.

4] The learned counsel for the respondent submits that the prosecution has properly established the case as the accused have demanded the money and accepted the same.

5] Considering the submissions of the applicant, so also, considering that the applicants are no more in service, the applicants are granted bail and I pass the following order :

ORDER

i] Criminal Application is allowed.

ii] The substantive sentenced imposed on the applicant in Special ACB No. 07/2015, dated 28.05.2025, by learned Special Judge [ACB], Bhokar, stands suspended till the final hearing and disposal of Criminal Appeal.

iii] The applicants be released on bail on furnishing P.R.bond of Rs.20,000/- each, with two sureties in the like amount. Bail before the trial Court.

iv] The applicants to remain present before the trial Judge once in six months, till final hearing and disposal of the appeal, starting from the date they tender a bail papers and thereafter the trial Judge to fix dates for their subsequent appearances.

v] Criminal Application is disposed of accordingly.

vi] It is also clarified that the observations made in this order are limited only for the purpose of deciding the present Application.

[ARUN R. PEDNEKER]
JUDGE

DDC