



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1640 OF 2026
IN APEAL/305/2026

BALAJI VITTHALRAO KALE
VERSUS
THE STATE OF MAHARASHTRA

....

Mr. Rajendra S. Deshmukh Senior Advocate a/w Ms Shital Karle
i/b Mr. S. B. Yawalkar, Advocate for the Applicant
Mr. V. M. Jaware, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : April 29, 2026
PRONOUNCED ON : April 30, 2026

ORDER :-

1. This is an application for suspension of sentence and grant of bail in consequence to conviction recorded by the learned Special Court, Latur, dated 01.04.2026 passed in Special Case (ACB) No.13 of 2014, convicting the applicant for the offence under Sections 7, 12, 13(1)(d) r/w 13(2) of Prevention of Corruption Act.

2. Learned Senior Counsel Shri Deshmukh submitted that the applicant was working as an Assistant Registrar in the

Cooperative Department. That was apprehended, tried, and convicted for the charge of demanding illegal gratification of Rs. 5,000/-. However, according to the learned Senior Counsel, the applicant did not accept the bribe amount, rather, it was accepted by co-accused No. 2, who was said to be his subordinate. He contended that there is nothing on record to show that the applicant and accused No. 2 had any nexus with each other. He further submitted that in this case there was no complaint, and the conviction has been recorded only on the basis of the testimony of the shadow panch, the Investigating Officer, and certain forensic evidence. According to him, the applicant has a good case on merits. The sentence awarded by the learned trial Court is two and a half years. He also pointed out that, after convicting the applicant, the learned trial Court was pleased to suspend the sentence till the expiry of the appeal period, i.e., up to 01.06.2026. He further submitted that the applicant is a differently abled person, and a certificate to that effect has been placed on record. For above reasons, relief of suspension of sentence and grant of bail is urged.

3. The learned APP strongly opposed the application on the ground that, after a full-fledged trial, conviction has been recorded.

The applicant had demanded bribe, and although accused No. 2 accepted it, he did so at the instance and on behalf of the applicant (accused No. 1). The conviction was recorded following a full-fledged trial, supported by convincing evidence, including recorded conversations of the demand. For above reasons, relief is opposed by placing reliance on the judgment of Hon'ble Apex Court in the case of *Omprakash Sahni Vs. Jai Shankar Chaudhary and another, (2023) LiveLaw SC 389*.

4. Heard. Perused the papers.

5. The present applicant was booked for commission of offences under Sections 7, 12, and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, on the allegation of demanding illegal gratification of Rs. 5,000/- for amending the bye-laws of the society. Upon receipt of the complaint, the ACB authorities appear to have planned and executed a trap and apprehended the accused. Upon recording guilt, the trial court has awarded sentence of two and a half years' imprisonment and imposed fine, which has already been paid. It is stated across the bar that during the trial, the applicant was on bail. There is also a disability certificate indicating that the

applicant is differently abled. Moreover, the appeal is of the year 2026, and there are no immediate prospects of the appeal being heard in the near future. Furthermore, it appears that there was no evidence of the complainant available for appreciation. Be that as it may, as there are no immediate chances of the appeal being heard, in light of the above discussion, the relief as sought deserves to be granted. Hence the following order:-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Balaji Vitthalrao Kale by the learned Special Judge, Latur in Special Case (ACB) No.13 of 2014 dated 01.04.2026 stands suspended till final hearing and disposal of Criminal Appeal No.305 of 2026.
- (iii) The applicant be released on PR. Bond of Rs.15,000/- (Rs.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 tenders 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 the bail granted to the applicant.
- (vii) Bail before the trial Court.

[ABHAY S. WAGHWASE J.]

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