



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1773 OF 2026
IN
CRIMINAL APPEAL NO. 331 OF 2026

Tukaram s/o Anandrao Chouthmal,
Age : 60 years, Occupation : Retired,
R/o. Pushpanagar, Pawdewadi Naka,
Nanded, District Nanded.

... Applicant

Versus

The State of Maharashtra
Through its Public Prosecutor,
District Nanded.

... Respondent

.....
Mr. V. R. Dhorde, Advocate for the Applicant.
Mr. V. M. Jaware, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 05.05.2026

Pronounced on : 06.05.2026

ORDER :

1. This is an application for suspension of sentence and grant of bail on account of conviction of applicant by learned Special Judge, Bhokar in Special (ACB) Case No. 4 of 2014 for offence under Sections 7(1)(d) r/w 13(2) and Section 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 (PC Act)

2. It is pointed out that applicant was tried vide above Special Case and on trial, came to be convicted for above charges and sentenced to one year imprisonment and to pay fine. That, fine amount is already paid. It is further submitted that there are allegations of demand of bribe of Rs.2,500/- for releasing funds worth Rs.18,900/-. That, against the said judgment and order of conviction, appeal has been preferred, but it will take sufficiently long time to be heard and decided, it being of the year 2026. It is further submitted that, applicant has a good case on merits in appeal. That, even after conviction, learned trial court was pleased to suspend the sentence till the appeal period is over i.e. on 07.05.2026. That, applicant was on bail during trial. For above reasons, relief of suspension of sentence and grant of bail is urged.

3. Learned APP opposed on the ground that there is both, demand as well as acceptance. That, only after due verification of demand, trap has been laid and it was successful. That, there was valid sanction for prosecution. That, there is no rebuttal evidence and so he opposes the relief of suspension.

4. Heard. Perused the papers. It appears that applicant is Junior Engineer working in Zilla Parishad and he was supervising construction work of room of Zilla Parishad School. For releasing funds and final cheque, he allegedly demanded bribe of Rs.2,500/- of which complaint was lodged by PW1, a Headmaster, and on the basis of same, trap was planned and executed. After appreciating the evidence of six witnesses, learned trial Judge was pleased to accept the case of prosecution.

5. Here, on reading in between the lines, it is emerging that shadow pancha PW2 has not supported prosecution and has rather given favourable answers to support accused. His cross shows that he had no occasion to hear the conversation between complainant and accused. Similarly, record shows that PW6 has also not supported prosecution. Therefore, there is arguable case on merit but in appeal, However, as it would take sufficiently long to be heard and decided, considering the nature of allegations, above discussion and quantum of sentence, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

- II. The substantive sentence imposed on the applicant Tukaram s/o Anandrao Chouthmal in Special (ACB) Case No. 04 of 2014 by the Special Judge, Bhokar on 08.04.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 331 of 2026.
- 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 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 bail granted to the applicant.
- VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]