

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

CRIMINAL APPLICATION NO. 950 OF 2015

BHARATKUMAR SHRINIWAS ASAWA

V/S

THE STATE OF MAHARASHTRA AND ANR.

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Mr. P.D.Suryawanshi, Advocate for Applicant.

Mr. S.A.Ambad, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 25TH FEBRUARY, 2015

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PER COURT :

1. This Court has issued notice of this application to the original complainant and in spite of the service, the original complainant/respondent No. 2 Ramkrishna Urban Co-operative Credit Society Ltd. chose not to remain present in this Court.

2. This is an application for suspension of substantive jail sentence and for grant of bail, since the

applicant is convicted by the learned Judicial Magistrate First Class, Ahmednagar in S.T.C. No. 785/2003 dated 04/07/2006 in the proceedings u/s 138 of the Negotiable Instruments Act, 1881 [hereinafter referred as the 'Act' for the sake of brevity] and was directed to suffer simple imprisonment for six months. The Appeal carried out by the present applicant against the said order bearing Criminal Appeal No. 123/2006 was dismissed.

3. In the application at paragraph 7, it has been stated by the present applicant that the applicant has been arrested by the police authority and he is in jail. The statement made by the learned counsel to that effect is accepted.

4. Since the conviction pertains to the offence u/s 138 of the Act and as the applicant has preferred Revision, against the Criminal Appeal which was dismissed, before this Court which is pending, it would be expedient to release the applicant Bharatkumar Shriniwas Asawa on he executing P.R.Bond of Rs. 50,000/- [Rupees Fifty Thousand only] with 2 solvent sureties in the like amount.

5. In that view of the matter, the present Criminal Application is allowed. The substantive jail sentence imposed by the learned trial Court in S.T.C. No. 785/2003 which is confirmed by the appellate Court in Criminal Appeal No. 123/2006 is hereby suspended during the pendency of the present Criminal Revision Application. The applicant shall be released on he executing P.R.Bond of Rs. 50,000/- with 2 solvent sureties in the like amount. The applicant is directed to remain present at the time of hearing of the present Criminal Revision Application.

[V.M.DESHPANDE, J.]