

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

Criminal Application No. 2413 of 2015
(In Criminal Revision Application No. 88 of 2015)

Mahesh Kamlakar Neve,
Age : 38 years,
Occupation : Labour,
R/o. Ram Mandir Ward,
Bhusawal, Taluka : Bhusawal,
District : Jalgaon.

.. Applicant.

versus

1. The State of Maharashtra.
2. The Vyapari Urban Co-op. Credit
Society Ltd., Bhusawal,
Through Surekha Suresh Bonde,
Bhusawal, Taluka : Bhusawal,
District : Jalgaon.

.. Respondents.

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Mr. G.A. Nagori, Advocate, for the applicant.

*Mr. P.P. More, Additional Public Prosecutor, for
respondent no.1 - State.*

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CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 7TH MAY 2015

PER COURT :

1. Heard Adv. Mr. G.A. Nagori for the applicant, and learned APP Mr. P.P. More for respondent no.1 - State.
2. The applicant herein is convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by the Judicial Magistrate (F.C.), Bhusawal, in Summary Criminal Case No. 1422 of 2005, vide judgment and order dated 18th July 2007, and is sentenced to suffer simple imprisonment for six months and to pay compensation of Rs. 24,103/- to the complainant.
3. Being aggrieved by the said judgment and order, the applicant herein has filed Criminal Appeal No. 22 of 2014 before the Sessions Court at Bhusawal. The learned Additional Sessions Judge, Bhusawal, vide judgment and order dated 18th April 2015, has been pleased to dismiss the appeal.
4. Against the said judgment and orders, the applicant has preferred Criminal Revision Application No. 88 of 2015, wherein Rule has been issued today and the same is pending for final hearing. By the present Application, the applicant seeks grant of bail by suspending the substantive sentence during the pendency of the Revision Application.
5. The learned Counsel for the applicant, upon instructions, submits that the applicant, in the course of the trial, has deposited approximately an amount of Rs. 12,000/-, and at the time of admission of the appeal, has paid an amount of Rs. 5,000/-. The learned Counsel

further submits that the applicant was on bail during the pendency of the trial as well as during the pendency of appeal and has not committed breach of any conditions imposed upon him. That, the applicant was taken into custody on 18th April 2015. In view of this, the applicant seeks suspension of substantive sentence.

6. The revision has been admitted and there is no likelihood that the revision would be taken up for final hearing in the near future. Hence, the applicant deserves grant of bail during pendency of the Revision Application.

7. In the result, the Application is allowed.

(A) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail, pending hearing and final disposal of Criminal Revision Application No. 88 of 2015. Same bail, fresh bonds.

(B) The applicant shall report to the Court of Judicial Magistrate (F.C.), Bhusawal, once in six months on the date as may be directed by that Court till the disposal of the Revision Application.

(C) In case of failure to attend the trial Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

8. The Application is accordingly disposed of.

9. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV)
JUDGE

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