

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRI. REVISION APPLICATION NO. 85 OF 2015
ALONGWITH
CRIMINAL APPLICATION NO. 86 OF 2015
IN
CRI. REVISION APPLICATION NO. 85 OF 2015**

Sanjay Rupani

... Applicant.
(Org.Accused No.2)

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Kuldeep S. Patil, Advocate for the Applicant.

Mrs. A.A.,Mane, APP for the State.

Mr.Lalit Khilnani, Respondent No.2 in-person present later on.

CORAM : M.L.TAHALIYANI,J.

DATE : 03rd MARCH, 2015

P.C. :

1 Heard learned Advocate Mr. K.S. Patil for the Applicant and the learned APP for the State.

2 It is submitted by the learned Advocate for the applicant that the applicant is not a signatory to the cheque in question. It is further submitted that the cheque was issued by the original accused no.3 on behalf of accused no. 1 which is a proprietary firm of accused no.3. He also submitted that the

learned Magistrate took the view that since the agreement in consideration of which the cheque was given was between applicant and the complainant, the applicant/accused is also equally liable. This issue, in my opinion, needs to be examined in the revision application. Therefore, issue notice to respondent no. 2 returnable after two weeks i.e. on 17th March, 2015.

3 At this stage, respondent no. 2 appeared and he waives service of notice.

CRIMINAL APPLICATION NO. 86 OF 2015

1 Heard learned Advocate Mr. K.S. Patil for the Applicant and the learned APP for the State.

2 For the reasons recorded in the criminal revision application no. 85 of 2015, the applicant (original accused no.2) is entitled to be released on bail during the pendency of the revision application. Hence, the applicant be released on bail in the sum of Rs. 25,000/- with one solvent surety in the like amount or a cash deposit of Rs. 35,000/- in lieu of solvent surety of Rs. 25,000/-.

3 Since the applicant has already undergone part of the sentence, rest of the sentence shall remain suspended until further orders of the court.

(JUDGE)

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