

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.166 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.175 OF 2015

Mr. Darshan Bharat Churiwala
and another. ..Applicants

Versus

Mr. Sanjiv Ramesh Sharma
and another. ..Respondents

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Mr. Aabad H. Ponda, i/b. Res Juris, for the Applicants.
Mr. Ajay Patil, APP, for the State.
Mr. Ashish Shukla i/b. Mr. Subhash Jha, for Respondent No.1.

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CORAM : M. L. TAHALIYANI, J.

DATE : 22nd APRIL, 2015

PC.

1. Heard learned Counsel Mr.Aabad Ponda for the applicants, learned Counsel Mr.Ashish Shukla h/f Mr.Subhash Jha for respondent No.1 and learned Additional PP. for respondent No.2 – State of Maharashtra.

2. Both the applicants have been convicted for the offence punishable under Section 138 of Negotiable Instruments Act by the Metropolitan Magistrate, 73rd Court, Vikroli, Mumbai. They have been sentenced to suffer S.I. for a period of three months each and

are further directed to pay compensation of Rs.4,90,00,000/- to the respondent No.1.

3. It is submitted by learned Counsel Mr. Ponda, on instructions, that an amount of Rs.1,50,00,000/- has already been paid to the respondent No.1 and the applicants are ready to pay additional amount of Rs.1 Crore within a period of four weeks.

4. It appears to me that the dispute might be resolved amicably during pendency of this Revision Application.

5. The prayer for bail has been strongly opposed by learned Advocate Mr. Shukla h/f. Mr. Jha. It is submitted by Mr. Shukla that the applicants were avoiding the payment since long and that this Court may not give any concession to the applicants.

6. As already indicated this Court is hopeful that the matter would be resolved amicably after Vacation. Therefore, I am inclined to grant bail to the applicants. In view thereof, I pass the following order :

:: O R D E R ::

[i] The applicants shall deposit Rs.1 Crore in this Court within a period of four weeks from today, jointly or severally.

[ii] The applicants be released on bail in the sum of

Rs.20,000/- (Rupees Twenty Thousand Only) each, with one solvent surety in the like amount each or on cash deposit of Rs.20,000/- (Rupees Twenty Thousand Only) each in lieu of surety of Rs.20,000/-.

[iii] If the amount of Rs.1 Crore, as directed by this Court, is not deposited, the bail of the applicants shall stand cancelled and other consequences should follow.

[iv] Criminal Application is disposed of accordingly.

JUDGE