

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

**CRIMINAL APPLICATION NO. 174 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 437 OF 2014**

Mr. Mahendra Gurunath Shette	..Applicant (Org. Accused)
V/s. The State of Maharashtra & Anr.	..Respondents

**WITH
CRIMINAL APPLICATION NO. 175 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 438 OF 2014**

Mr. Mahendra Gurunath Shette	..Applicant (Org. Accused)
V/s. The State of Maharashtra & Anr.	..Respondents

Mr. V.V. Ugle for the applicant.
Mr. Rajesh More, Addl. Public Prosecutor for respondent no.1-
State.
Mr. S.V. Gavand for respondent no. 2.

**CORAM : M.L. TAHALIYANI, J.
DATE : 24TH APRIL 2015.**

P.C.

1. Admit. Heard finally.
2. The applicant has been convicted by the learned Magistrate in two cases for the offence punishable under section 138 of Negotiable Instruments Act. His appeal have

been dismissed. He has moved, by way of two separate Revision Applications, to challenge the order passed by the Appellate Court. During the course of pendency of the two Revision Applications, bail was granted to the applicant. He was directed to deposit Rs.2,50,000/- in this Court in Criminal Revision Application No. 437 of 2014 and Rs.10,00,000/- in Criminal Revision Application No. 438 of 2014. It was further directed that if he failed to deposit the amount, the bail order should stand revoked without further orders of the Court.

3. The applicant did not deposit the amount as directed by the Court and as such the bail orders in both Revision Applications stood revoked.

4. The learned counsel appearing for respondent No. 2 (original complainant) moved this Court and brought to the notice of this Court that despite revocation of the bail order and despite issuance of the non-bailable warrant by the Magistrate, the police had not been taking any effective steps to arrest the applicant. This Court finally had to issue necessary direction to the police to arrest him. He has now been arrested and lodged in Taloja Prison at Navi Mumbai. The present applications are for grant of fresh bail.

5. Heard the learned Advocate Mr. Vaibhav Ugle on behalf of the applicant and the learned advocate Mr. S.V. Gavand on behalf of respondent no. 2 (original complainant).

The wife and both the children of the applicant are present before the Court. The respondent no. 2 is also present. The wife and children of the applicant assure the Court that they would make necessary arrangement for deposit of the amount as directed by this Court. The learned Advocate Mr. Ugle submits that the Court may grant bail to the applicant so that he can make arrangement for depositing the amount.

6. Though the prayer has been opposed by the learned Advocate Mr. Gavand for respondent no. 2, in my opinion, it will be necessary to release the applicant on bail, so that the amount as directed by the Court can be deposited. Keeping the applicant in custody, in my opinion, will not serve the purpose of respondent no. 2 also. Taking into consideration all the aspects of the case, I am of the firm opinion that the applicant is entitled to be released on bail.

7. It is submitted by Mr. Ugle that the applicant may be permitted to make the payment of Rs. 2,50,000/- and Rs.10,00,000/-, respectively, as directed by this Court within a period of two weeks in lump sum or in two instalments. The statement on behalf of the applicant in the presence of the family members is taken as a undertaking to the Court. It is made clear that if the applicant fails to comply with the order of this Court, the Court will take up contempt proceedings against him. Hence, I pass following order:

ORDER

i) The applicant be released on bail in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount or cash bail deposit of Rs.30,000/- (Rupees Thirty Thousand only) in lieu of surety of Rs.30,000/-(Rupees Thirty Thousand only) in each case.

ii) The Pay Order of Rs. 4,00,000/- (Rupees Four Lacs only) brought by the wife of the applicant be accepted by the Trial Magistrate i.e. Judicial Magistrate, First Class, Panvel.

iii) Rest of the amount of Rs. 8,50,000/- (Rupees Eight Lacks Fifty Thousand only) shall be paid by the applicant within a period of two weeks from the date of his release as lump sum or in two installments.

iv) The undertaking given by the learned Advocate for the applicant on instructions is accepted and it is made clear that any breach of the undertaking will entail proceedings under the Contempt of Courts Act.

v) Applications stand disposed of.

vi) Revision Applications be placed on board on 7th May 2015. The applicant shall remain present personally before this Court.

vii) Authenticated copy of this order be provided to the learned Magistrate and the Jail Authority to act on the authenticated copy.

(JUDGE)