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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 258 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 297 OF 2015
WITH
CRIMINAL APPLICATION NO. 259 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 298 OF 2015**

Pratap P. Pednekar

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Vaibhav Bagadi for the applicant.

Ms G.P. Mulekar, A.P.P. for the State.

Mr. Satyajeet Joshi for respondent no. 2.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 15, 2015**

P.C.

Heard learned counsel for the applicant and learned counsel for respondent no. 2/original complainant.

2. The applicant stands convicted by the learned Magistrate for the offence punishable under section 138 of the negotiable Instruments Act in two criminal cases being Criminal Case No. 4658 of 2008 and Criminal Case No. 4657 of 2008 and his Appeal Nos.88 of 2014 and 87 of 2014 have been dismissed. Therefore, the applicant has filed these two criminal revision applications.

3. The present criminal applications are for grant of bail and suspension of sentence. The applicant is in jail since 12th February, 2015. During the course of hearing of the bail applications, it was seen that the evidence with regard to the legally enforceable liability will have to be examined afresh in the revision applications. Though it is orally submitted that the amount of Rs.3,36,00,000/- was given to the applicant by respondent no. 2 by way of cheques and cash, it has become clear by now that the cheques were issued from the account of wife of respondent no. 2. The learned counsel for the applicant states that there were separate transactions with the wife of respondent no.2. In fact wife of respondent no.2 is supposed to pay huge amount to the applicant. As such there are few facts which, though there is concurrent finding of the trial court and appellate court, need to be examined afresh by the court. In this background, I am inclined to grant bail to the applicant, if the applicant deposits Rs.12,50,000/- in each of the revision application in this court.

4. The applicant be released on bail in the sum of Rs.25,000/- each in each of the revision application with one solvent surety in the like amount in each revision application or cash deposit of Rs.25,000/- in each revision application in lieu of surety of Rs.25,000/-. The substantive sentences imposed on the applicant shall remain suspended during the pendency of the revision applications. Criminal applications stand disposed of.

5. The applicant shall deposit Rs. 25,00,000/- (Rupees Twelve Lac Fifty Thousand in each Revision Application) in this court within a period of two months from the date of uploading of this order. If the said amount is not paid within the said period, the bail granted to the applicant shall stand cancelled. Learned Magistrate shall take further steps for execution of the

order.

Criminal applications stand disposed of accordingly.

(JUDGE)