

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

**CRIMINAL APPLICATION NO. 378 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.426 OF 2015**

Phulsing Shivram Rathod .. Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. K.U. Patil for the applicant
Mr. J.H. Ramugade, APP for respondent State

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd SEPTEMBER, 2015.

PC.

1. The applicant herein is the accused in C.C. No.216 of 2007 filed before the learned Magistrate, First Class, Lanja, Dist. Ratnagiri under Section 138 of the N.I. Act.

2. By the judgment dated 20.01.2009, the applicant-accused has been held guilty of the offence under Section 138 of the N.I. Act and sentenced to undergo simple imprisonment for one month

and to pay compensation of Rs.2,00,000/- within a period of one month, failing which to undergo S.I. for 15 days. The appeal being Criminal Appeal No. 07 of 2009 came to be filed against the said judgment and order and the same has been dismissed by the Addl. Sessions Judge, Ratnagiri by judgment dated 07.09.2015.

3. The learned Counsel for the applicant has submitted that the applicant accused is in jail since 07.09.2015. He further submitted that the applicant has already deposited compensation of Rs. 1,00,000/- before the Sessions Court. On instructions, the learned Counsel for the applicant has made a statement that the applicant shall deposit the balance amount of Rs.1,00,000/- within a period of one month.

4. In the light of the above statement, in my considered view, the applicant is entitled for bail. Hence, the application is granted.

5. The applicant is ordered to be released on bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount to the satisfaction of the Sessions Judge, Ratnagiri. The applicant to deposit the balance amount of compensation of Rs.1,00,000/- before the learned Sessions Judge, Ratnagiri, within a period of one month from today. The substantive sentence shall stand suspended for a period of one month.

(ANUJA PRABHUDESSAI, J.)

Certificate

Certified to be true and correct copy of the original signed
judgment / order.