

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. The applicant has been convicted by the learned Metropolitan Magistrate, 72nd Court at Vikhroli, Mumbai vide Judgment and Order dated 6th September, 2014, for the offence punishable under Section 138 of the Negotiable Instruments Act. The applicant has been sentenced to undergo Simple Imprisonment for 1 month and has been directed to pay an amount for Rs.53,806/- to the complainant, towards compensation under Section 357(3) of the Code of Criminal Procedure. In appeal, the Appellate Court

vide Judgment and Order dated 19th December, 2015, was pleased to confirm the conviction and sentence awarded by the Trial Court

3. Learned Counsel for the applicant states that during the pendency of this application, the applicant was arrested and is presently lodged in custody. He submitted that the out of the said amount of Rs.53,806/-, the applicant has already deposited a sum of Rs.16,141/- in the Trial Court. He further submitted that applicant has already paid the respondent no.1 – complainant directly a sum of Rs.5,000/-, Rs.3,000/- and 4,000/- respectively, which was accepted by the respondent no.1 – complainant. He has relied on the receipts which are from page nos.75 to 78 of the application. He submitted that the applicant, without prejudice to his rights and contentions, is ready to deposit the balance amount of Rs.20,000/- in the Registry of this Trial Court, within 4 weeks from today. The said statement is accepted.

4. In view of the aforesaid statement made by the learned counsel for the applicant, the applicant's sentence is suspended and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The Applicant be released on cash bail in the sum of Rs.10,000/- for a period of four weeks;

(ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount, within a period of four weeks of his release on cash bail.

5. Accordingly, the applicant shall deposit a sum of Rs.20,000/- in the Registry of this Trial Court, within 4 weeks from today.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.