

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 429 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 426 OF 2016**

Anilkumar Omprakash Agarwal	...Applicant
Versus	
Ashok Maniram Prajapati & Anr.	...Respondents

Mr. Subhash Jha with Ms. Rushita Jain I/b Law Global for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 26th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant.

2. The applicant has been convicted vide judgment and order dated 3rd January, 2009 by the learned Judicial Magistrate First Class, Pimpri, Pune, in cC No. 6114 of 2007 for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment for three months and to pay the compensation of Rs. 70,000/-. The said judgment and order has been confirmed in appeal

by the learned Additional Sessions Judge vide judgment and order dated 18th July, 2016.

3. Learned Counsel for the applicant states that pursuant to the dismissal of the appeal, the applicant has been taken into custody. He submits that the applicant has deposited a sum of Rs. 25,000/- in the Appellate Court. He submits that since there is a death in the family of the applicant, he is unable to take instructions as to when the balance amount of Rs. 45,000/- will be deposited.

4. The applicant's sentence is suspended on the condition that the applicant shall deposit the balance sum of Rs. 45,000/- in this Court within three weeks from today and the applicant is enlarged on bail on the following terms :

ORDER

(i) The applicant be released on cash bail in the sum of Rs.10,000/- for a period of three 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. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.