

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 430 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 337 OF 2016
IN
CRIMINAL APPEAL NO. 189 OF 2013**

Sunil Dinkar Patil	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Sachin Pawar with Mr. S. C. Singh for the Applicant

Mr. A. S. Shitole, A.P.P for the Respondent No.1-State

Mr. J. S. Chandnani for the Respondent No. 2

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

P.C. :

1. The applicant has been convicted vide judgment and order dated 27th February, 2013 passed by the learned Metropolitan Magistrate, 60th Court at Kurla, Mumbai in CC No. 31143/SS/2009 for the offence under Section 138 of the Negotiable Instruments Act, and has been sentenced to suffer simple imprisonment for a period of four months and to pay fine of Rs. 9,10,000/- and in default, to suffer further simple

imprisonment of one month. The said judgment and order has been confirmed in appeal by the Appellate Court vide order dated 28th April, 2016.

2. Learned Counsel for the applicant submits that out of the said amount of Rs. 9,10,000/-, the applicant has deposited a sum of Rs. 1,80,000/- during the pendency of the appeal. He submits that out of the balance amount of Rs. 7,30,000/-, the applicant is ready to deposit a sum of Rs. 3,50,000/- by demand draft in this Court within two days from today. He submits on the instructions of the applicant's son, who is present in Court, that the applicant would deposit the balance amount of Rs. 3,80,000/- in the Registry of this Court within two months from today. The said statement is accepted. The applicant is presently in custody. The applicant shall file an undertaking to the said effect, in the Registry of this Court within two weeks from his release.

3. In view of the aforesaid, the applicant's sentence is suspended 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. 15,000/- for a period of four weeks;

(ii) The applicant shall furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount, within a period of four weeks of his release on cash bail.

4. The Application is allowed in the aforesaid terms and is accordingly disposed of. To be listed on 23rd August, 2016 for recording compliance of the above order.

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

REVATI MOHITE DERE, J.