

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.488 OF 2016

AND

CRIMINAL APPLICATION NO.489 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.483 OF 2016

1) M/S.RAPHAEL MOTORS)
2) ANTHONY RAPHAEL KALLARAKKAL)...APPLICANTS

V/s.

M/S.ASARCO STEEL PVT. LTD. AND ANR.)...RESPONDENTS

Ms.Zainab Bee Khan, Advocate for the Applicants.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 23rd AUGUST 2016.

PC. :

1 The above two applications are filed by applicant no.2 praying for his release on bail and for suspension of substantive sentence imposed upon him by the learned trial court and maintained by the learned Sessions court, pending revision application. Learned counsel for applicants states that applicant no.2 has already deposited Rs.2 Lakh before the trial court and is willing to deposit Rs.50,000/- more, if ordered and prays for suspension of sentence.

2 Perused the documents. Applicant no.1 is a private limited company of which applicant no.2 is a partner. It appears that learned trial court convicted original accused nos.1 and 2 under Section 138 of Negotiable Instruments Act and sentenced to suffer simple imprisonment for a period of 6 months and to pay a fine of Rs.5,24,129/-. Appeal preferred against such judgment and order appears to be dismissed by the learned Additional Sessions Judge, Greater Bombay, thereby confirming order passed by the learned trial court.

3 Having considered the fact that applicant no.2 was on bail pending trial and in addition to amount of Rs.2 Lakh is willing to deposit Rs.50,000/-, substantive sentence imposed upon applicant no.2 stands suspended, releasing applicant no.2 on bail as per order below :

- i) Applicant no.2 Anthony Raphael Kallarakkal shall be released on the same bail as granted by the trial court, but on executing fresh P.R.bond.
- ii) While on bail, applicant no.2 shall mark his presence with Mazgaon Police Station once in three months on the first day of such month, pending revision application.

(P. N. DESHMUKH, J.)