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

**CRIMINAL APPLICATION (APPR) NO. 497 OF 2016
WITH
CRIMINAL APPLICATION (APPR) NO. 498 OF 2016
IN
CRIMINAL REVISION APPLICATION (ST) NO. 500 OF 2016**

Mr Farid Nazir Ahmed Khan

...Applicant
(Orig. Accused)

vs

The State of Maharashtra & Anr.

...Respondents

.....

Mr Jatin P. Shah i/b Kantilal Sangoi & Ajit Pawar for the Applicant.
Mr A.R.Kapadnis, APP for the State/ Respondent No.1.

.....

CORAM : P.N.DESHMUKH J.

AUGUST 29, 2016

P.C. :

Both these applications are filed by the accused/ applicant for suspension of sentence imposed by the Trial Court and for grant of bail. It is contended that, after dismissal of the appeal on 7 March, 2016, on issuance of the non-bailable warrant ("N.B.W."), the applicant is taken into custody on 24 June, 2016 and is since then behind the bar. The learned counsel for applicant has contended that the applicant who is a diabeticis having severe infection which has spread in his body and as such now suffering

from gangrene. In support of above contentions, applicant could not place on record any medical papers, however had tendered at bar photographs. It is also submitted that, applicant has paid an amount of Rs.2,15,000/- out of the compensation amount of Rs.10,77,300/- and is willing to pay further amount of Rs.3,50,000/- within a period of eight weeks from today.

3 Perused the documents filed in support of the application. It appears that the applicant came to be convicted for the offence under Section 138 of the Negotiable Instruments Act, 1981, and is sentenced to suffer simple imprisonment for three months. The applicant is directed to pay the compensation of Rs.10,77,300/- with interest at the rate of 9 % per annum i/d to suffer further simple imprisonment for six months.

4 The appeal preferred came to be dismissed by an order passed by the Sessions Court on 7 March, 2016. The learned Trial Court, thereafter issued N.B.W. which came to be executed and the applicant came to be arrested on 24 June, 2016 and since then he is in jail.

5 On considering the facts of the applicant sustaining poor

health condition and as has paid Rs.2,15,000/- out of the compensation amount of Rs.10,77,300/-, and has shown willingness to pay Rs.3,50,000/-, as aforesaid the applications are liable to be allowed by suspending the sentence and grant of bail by imposing the conditions pending appeal as per order below:-

- (i) The applicant shall be released on bail on executing his P.R. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicant be released on cash payment of Rs.25,000/- provisionally and shall furnish the surety within three weeks from his release on bail;
- (ii) The applicant on being released on bail, shall deposit an amount of Rs.3,53,000/- before the trial Court, within a period of six weeks;

6 Both the applications are disposed of accordingly.

(P. N. DESHMUKH J.)