

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE SIDE**

**CRIMINAL APPLICATION NO.580 OF 2016**

**IN**

**CRIMINAL REVISION APPLICATION NO.574 OF 2016**

|                                  |     |                    |
|----------------------------------|-----|--------------------|
| M/s. Shweta Enterprises and Anr. | ... | <b>Applicants</b>  |
| V/s.                             |     |                    |
| Salim Fakir Mohd. Naik and Anr.  | ... | <b>Respondents</b> |

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Mr. Siddheshwar B. Kalel, Advocate for the Applicants.  
Ms. V.S.Mhaispurkar, APP for the Respondent/State.

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**CORAM : P N. DESHMUKH J.**

**DATED : 21<sup>st</sup> OCTOBER 2016.**

**P.C.**

1 Issue notice to Respondent No.1 returnable on 9.12.2016.  
The learned APP waives notice on behalf of Respondent No.2-State.

2 Learned counsel for applicants seeks suspension of sentence and for grant of bail contending that applicant no.2 was on bail pending trial and out of cheque amount of Rs.2 Lakhs, he has deposited Rs.40,000/- before the learned Sessions Court and out of balance amount of Rs.1,60,000/- , he is ready to deposit further amount of Rs.60,000/-, which would make 50% of the cheque amount of Rs.2 Lakhs.

3 Perused the documents filed along with application. Applicant No.2 is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer SI for four months and Accused No.1-Proprietary Firm is directed to pay compensation of Rs.2 Lakhs. Appeal preferred before the learned Sessions Court is dismissed.

4 Considering the fact as aforesaid and as applicant no.1 is ready to pay amount of Rs.60,000/- in addition to Rs.40,000/- which is already deposited as recorded above, following order is passed:

- (1) Applicant No.2 shall be released on bail on his executing PR.Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (2) Applicant No.2 shall be released on provisional cash bail of Rs.15,000/- and shall furnish surety within two weeks.
- (3) While on bail, applicant no.1 shall deposit Rs.60,000/- within four weeks from today in the trial Court. Trial Court to accept the same.
- (4) While on bail, applicant no.2 shall mark his presence with police station within whose jurisdiction he resides and shall produce proof of his residence to the Investigating Officer and update change in address, if any, in

future, to the concerned police station.

5 Application stands disposed of as allowed.

**(P. N. DESHMUKH J.)**