

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL BAIL APPLICATION NO.608 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.605 OF 2016

Mr. Santosh B. Nalawade ... **Applicant**

V/s.

Mr. Ashok K. Kumbhar & Anr ... **Respondents**

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Mr. Siddheshwar B. Kalel , Advocate for the Applicant.

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

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CORAM : P N. DESHMUKH J.

DATED : OCTOBER 26, 2016.

P.C.

1 Issue notice to respondents. Learned APP accepts notice on behalf of State. The learned counsel for applicant submits that application should be allowed in view of the fact that applicant is sentenced with short imprisonment and was on bail pending trial. Perused the documents. It is found that applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer RI for three months and is directed to pay compensation of Rs.3.50 Lakhs. Appeal preferred is dismissed by the learned Sessions Court.

2 Heard learned counsel for applicant. He submitted that the amount of cheque involved is valued for Rs.2,75,000/- and out of compensation amount of Rs.3,50,000/-, applicant has deposited

Rs.1,75,000/- before the Sessions Court of which money receipts are on record.

3 Considering the facts as aforesaid and as applicant was on bail pending trial and it is not the case of prosecution that while on bail he has misused the liberty granted to him, application is allowed as per order below:

(1) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- with one surety in the like amount.

(2) Applicant shall be released on provisional cash bail of Rs.15,000/- and shall furnish surety within four weeks from the date of his release.

(3) Applicant shall mark his presence with Nerul Police station once in six months, on the first day of such month, pending revision.

(4) Applicant shall deposit amount of Rs.50,000/- with registry of Sessions Court, Greater Bombay within four weeks from today.

(5) Applicant shall produce proof of his residence to the Investigating Officer and update change in address, if any, in future, to the concerned police station.

4 Application stands disposed of as allowed.

Parties to act upon a copy of this order duly authenticated
by the sheristedar of this Court.

(P. N. DESHMUKH J.)