

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

**CRIMINAL APPELLATE SIDE**

**CRIMINAL REVISION APPLICATION NO.609 OF 2016  
WITH  
CRIMINAL APPLICATION NO.613 OF 2016  
IN  
CRIMINAL REVISION APPLICATION NO.609 OF 2016**

Kumar Neminath Kamble      ...      **Applicant**  
V/s.  
Sunil Eknath Bagal & Anr.      ...      **Respondents**

....

Mrs.Prapha.U.Badadare, Advocate for the Applicant.  
, APP for the Respondent/State.

....

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

**DATED : 27<sup>th</sup> OCTOBER 2016.**

**P.C.**

1            Issue notice to respondent. Learned Additional Public Prosecutor accepts notice on behalf of respondent No.2/State of Maharashtra.

2            Heard.

3            Learned counsel for the applicant submits that applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer simple imprisonment for six months and was on bail pending trial. It is

submitted that out of cheque amount of Rs.1,47,000/-, he has already deposited Rs.50,000/- with the Appellate Court, where his appeal came to be dismissed.

4           Record reveals that applicant is convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for six months and to pay fine of Rs.2,20,500/-.

5           Learned counsel for the applicant has stated that the cheque amount involved is Rs.1,47,000/-. Though money receipt in respect of payment of Rs.50,000/- is not record, learned counsel for the applicant has made a statement that said amount is deposited and has expressed willingness to make payment of ruther amount of Rs.70,000/-.

6           In that view of the matter, application is liable to be allowed as applicant was on bail pending trial, as per order below :

- i)     Applicant shall be released on bail on his executing personal bond in the sum of Rs.20,000/- with one surety in the like amount.
- ii)    While on bail, applicant shall mark his presence with the Police Station within whose jurisdiction he is residing at village Ashta, Taluka Bhoom, District Osmanabad once in three months on first day of such month, pending revision.
- iii)   Applicants shall submit proof of his address to the concerned

Police Station and update change in address , if any, in future.

iv) Applicant shall deposit Rs.70,000/- with Registrar of Sessions Court within six weeks from today.

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