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

**CRIMINAL APPLICATION NO.678 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.19 OF 2016**

Sanjay Gupta	...Applicant
Versus	
Uday Mahadev Chorge and Anr.	...Respondents

Mr.S.K.Dubey, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.

DATE : 5th DECEMBER, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. The applicant has been convicted by the learned Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai vide Judgment and Order dated 10th November, 2014, for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer S.I for 1 month. The applicant was directed to pay the cheque amount of Rs.1,00,000/- to the complainant towards compensation, in default of payment of

compensation, the applicant has been sentenced to undergo Simple Imprisonment for 3 months. In appeal, the Appellate Court vide Judgment and Order dated 21st December, 2015, was pleased to confirm the conviction and sentence awarded by the trial Court.

3. Learned Counsel for the applicant submits that this Court vide order dated 20th January, 2016, had directed the applicant to deposit a sum of Rs.30,000/-, within 3 weeks from the date of the order and was pleased to enlarge the applicant on bail on furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount. He submitted that the bail granted to the applicant was subject to the applicant depositing the amount of Rs.30,000/- within 3 weeks from the date of the order i.e. from 20th January, 2016.

4. Learned Counsel for the applicant submits that thereafter this Court, vide order dated 28th November, 2016, passed in Criminal Application No.644 of 2016, was pleased to extend the time to deposit the said amount of Rs.30,000/- by 1 week. He submitted that as the applicant failed to comply with the said order, the applicant was arrested and is

presently in custody. He further submits that after the applicant's arrest, the applicant has deposited Rs.30,000/- in the Registry of this Court. He relied on the copy of the receipt, which is on page 8 of the application. He submits that as the applicant has now deposited the said amount, the applicant be enlarged on bail.

5. Perused the papers and the orders. It appears that after the period to deposit the said amount of Rs.30,000/- had expired, the applicant was arrested and sent to Jail on 14th November, 2016. It also appears that the applicant has deposited Rs.30,000/- in this Court on 29th November, 2016. As there is compliance of the order of deposit, the applicant be released on bail on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs.10,000/-, for a period of three weeks;
- (ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount, within a period of three weeks of his release on cash bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.