

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ST.) NO.539 OF 2015
IN
CRIMINAL REVISION APPLICATION (ST.) NO.530 OF 2015

Shamim Khan Jabbar Khan		Applicant
V/s.		
The State of Maharashtra & Anr.		Respondents

Mr. A.A. Siddiquie, i/by M/s. A.A. Siddiquie & Associates, for the Applicant.

Mrs. R.V. Newton, A.P.P., for the Respondent No.1-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 12TH JANUARY 2016.

P.C. :

1. This is an application for bail. There is concurrent finding of the Trial Court and the Appellate Court holding the Applicant guilty for the offence punishable under Section 138 of the Negotiable Instruments Act. Applicant is also arrested and sent to Jail in execution of the order. Now he is seeking bail. The record shows that the disputed cheque is of the amount of Rs.1,93,500/-.

2. As per the order of the Trial Court, he is directed to pay compensation of Rs.1,93,500/-. Till now, he has deposited only an amount

of Rs.30,000/- or Rs.40,000/- and according to learned counsel for the Applicant, he is ready to deposit further amount of Rs.25,000/- and hence he may be released from Jail.

3. However, in my considered opinion, unless the entire amount of Rs.1,93,500/- is deposited in the Court, the Applicant cannot be entitled to the relief, as prayed. Therefore, the bail order is passed subject to condition of the Applicant depositing entire amount, as directed by the Trial Court. Hence the order.

“O R D E R”

The Applicant be released on P.R. Bond of Rs.10,000/-, with one or two sureties in the like amount, on his depositing the remaining amount, out of the amount of Rs.1,93,500/-.

4. Application for bail is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]