

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPR) NO.201/2017 IN
CRIMINAL REVISION NO.90/2017

Sanjay s/o Potan Kshirsagar ..vs.. Ganesh s/o Ramdin Gadewar & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. S. Tambulkar, Advocate for applicant.
Mrs. K. R. Deshpande, A.P.P. for non applicant no.2

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 12, 2017

This is an application for modification of order dated 18.07.2017 passed by this Court. This Court issued notice to the non applicants. Today, the office note shows that the non applicant-original complainant is yet to be served.

The revision arises out of judgment and order of conviction passed by the learned lower appellate Court for an offence punishable under Section 138 of the Negotiable Instruments Act.

This Court had on 18.09.2017 directed that the applicant be released on bail subject to the condition that he deposits Rs.1,50,000/-.

The applicant is in jail since 27.06.2017. The applicant was directed to suffer simple imprisonment for three months. As per the application, since the applicant is in jail, he is unable to arrange the amount.

Looking to the fact that the applicant is in jail since 27.06.2017 this is a fit case wherein this Court

should modify the order passed on 18.07.2017. Hence, order dated 18.07.2017 is modified.

The applicant be released on bail on he executing P.R. Bond of Rs.5,000/- with one solvent surety in the like amount. It is made clear that the learned Judge before whom the bail bond will be executed, shall not insist for deposit of the fine amount of Rs.1,50,000/- in view of the fact that the applicant is in jail since 27.06.2017. However, in view of the statement made by the learned counsel for the applicant, it is made clear that after his release, the applicant should deposit Rs.1,50,000/- within one month. If the amount of Rs.1,50,000/- is not deposited within one month after his release, he shall be taken into custody.

The application stands disposed of.

JUDGE