

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

**CRIMINAL APPLICATION NO.574 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.597 OF 2018**

Shri Satish B. Nivargi ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Ashish Pawar for the Applicant

Ms.Rutuja Ambekar, APP, for the Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: NOVEMBER 2, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for suspension of conviction and sentence passed by the learned JMFC, Sangli on 17.3.2011 in C.C. No.2152 of 2008. The applicant/accused is convicted under section 138 of the Negotiable Instruments Act and sentenced to suffer 6 months S.I. and payment of fine of Rs.4,65,918/-. The appeal filed against this judgment and order was dismissed by judgment and order dated 22.10.2018 by the learned Additional Sessions Judge – 3, Sangli.

3. The learned Counsel for the applicant submits that the applicant has paid the entire amount of compensation. He was on bail throughout the trial and the appeal. He submits that the offence is bailable and hence, he be granted bail.

4. Learned Prosecutor opposes the application.

5. Considered the submissions of the learned Counsel. It is a bailable offence and in view of the nature of the offence and the submissions, this application is allowed on the following terms:

i) The impugned conviction and sentence dated 17.3.2011 is suspended till the hearing of the revision application.

ii) The applicant/accused be released on bail upon furnishing P.R. bond in the sum of Rs.15,000/- with one two sureties in the like amount;

iii) The applicant/accused shall not indulge into any criminal activity while on bail and shall attend all the Court dates at the time of hearing of the Revision Application.

6. The Application is disposed of accordingly.
7. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)