

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

**CRIMINAL APPLICATION NO.387 OF 2018
IN
CRI. REVISION APPLICATION NO.405 OF 2018**

Charulata Mahesh Bharambe

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

.....

Mr.Amey Deshpande, Advocate for the Applicant.

Mr.A.R. Patil, APP for the Respondent - State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 2, 2018.

P.C. :

This is an application for suspension of sentence and grant of bail. The applicant is convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by judgment and order dated 10th November, 2016. She was sentenced to suffer R/I for two months and was further directed to pay compensation of Rs.3,60,000/-. Appeal preferred by the applicant has been dismissed by the Additional Sessions Judge, Nashik, vide judgment and order dated 26th April, 2018.

2 Learned counsel for the applicant submits that in pursuant to the dismissal of Appeal, applicant has been arrested on 28th July, 2018 and since then she is in custody. It is submitted that the applicant has two minor daughters and one of them is disabled. It is submitted that the applicant has deposited Rs.20,000/-, before the Appellate Court during the pendency of Appeal. The cheque amount is Rs.2,50,000/-. On instructions, it is further submitted that the applicant would deposit an amount of Rs.50,000/-, within four weeks from today. It is submitted that after the applicant is released on bail, she would make endeavour to deposit the balance amount and to settle the matter.

3 Taking into consideration the facts that the application is allowed, she is in custody from 28th July, 2018 and that two minor daughters are depending upon her, presently she can be released on bail.

:: ORDER ::

- (i) Pending hearing and final disposal of Criminal Revision Application No.405 of 2018, the sentence awarded by the Court of Judicial Magistrate First Class, 7th Court, Nashik, by

judgment and order dated 10th November, 2016, passed in Summary Criminal Case No.3697 of 2015, which was confirmed by the Sessions Court, vide judgment and order dated 26th April, 2018, passed in Criminal Appeal No.231 of 2016, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;

- (ii) The applicant is permitted to furnish cash security in lieu of surety in the sum of Rs.15,000/-, for the period of four weeks;
- (iii) This interim bail shall continue till the next date of hearing;
- (iv) Applicant is directed to deposit Rs.50,000/-, within a period of four weeks from today in this Court.

(PRAKASH D. NAIK, J.)