

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

**CRIMINAL APPLICATION NO.623 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.659 OF 2018**

Pandit R. Kadam ... Applicant

Vs.

The State of Maharashtra ... Respondent

Ms.T.D. Goswami for the Applicant

Ms.Pallavi Dabholkar, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 12, 2018

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for bail and suspension of the impugned sentence passed by the learned 23.6.2011 by the learned JMFC, Nashik road in C.C. No.242 of 1999 for the offence under section 420 of the Indian Penal Code thereby sentencing him to one year's imprisonment and a fine of Rs.1,000/-, and i/d to suffer 3 months S.I. He is also directed to pay Rs.42,000/- to the complainant and also some amounts to the informant, witness and

other persons. The said order was challenged in Appeal being Appeal No.158 of 2011, before the learned Sessions Judge, Nasik, who dismissed the said appeal on 30.11.2018 and directed the appellant to surrender before the trial Court on or before 14.12.2018 to undergo the sentence. Hence, this revision is filed and the application for bail and suspension of the impugned sentence.

3. The learned Counsel for the applicant/accused submits that the applicant/accused was on bail thorough the trial. The applicant/accused has a good case on merits and there is no likelihood that the matter will come up for hearing in near future and he prays for bail.

4. Learned Prosecutor submits to the orders of this Court.

5. Considered the submissions. The applicant/accused has not surrendered as on today. The applicant/accused has cheated many people.

6. In view of this, the matter is adjourned to **21st December, 2018**. The time to surrender is extended till then. In the meanwhile, the applicant/accused is directed to deposit 70% of the

amount of each complainant, as per the order of the learned JMFC, Nasik and as specifically mentioned in para 3 of the operative order of the learned JMFC, Nasik dated 23.6.2011. The 70% amount shall be deposited on or before 20th December, 2018. It is made clear that payment of amount is a condition precedent for bail and if the said amount is not deposited, there won't be any further extension and the accused shall surrender on 21st December, 2018, without fail. The learned Magistrate to take note.

7. S.O. to 21st December, 2018.

(MRIDULA BHATKAR, J.)