

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

**CRIMINAL APPLICATION No. 182 OF 2018
IN
CRIMINAL REVISION APPLICATION No. 163 OF 2018**

Mr.Navnath Rajendra Tupe

...Applicant

Versus

Mr.Maruti Ningappa Ashtekar & Anr.

...Respondents

Mr.Vikas B. Shivarkar for the Applicant.

Mr. A.R.Patil, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 12 FEBRUARY 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. The applicant/accused is convicted for the offence punishable under section 138 of the Negotiable Instruments Act and is sentenced to suffer S.I. for six months and pay fine of Rs. 3,85,000/-, in default to suffer three months S.I. This order was passed by the learned 15th Judicial Magistrate First Class, Pune on 2nd February, 2015 in Summary Case No. 4506 of 2014, which was confirmed by the learned Additional Sessions Judge,

Pune by the judgment and order dated 1st January, 2018 by dismissing the Criminal Appeal No. 205 of 2015. Hence, this revision and application for bail and suspension of sentence.

3. The learned counsel for the applicant/accused submits that the applicant/accused was on bail throughout the trial and appeal period. He further submits that the applicant/accused has already deposited an amount of Rs.50,000/-. The applicant/accused was arrested on 13th September, 2018. Since then, he is in the prison. He further submits that the applicant/accused has a good case on merits. Hence, he prays that the sentence be suspended and bail be granted to the applicant/accused.

4. The learned APP submits to the orders of the Court.

5. In view of the submissions and considering the nature of the offence, the following order is passed:

ORDER

(i) The impugned conviction and sentence is suspended, pending revision;

(ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or

two sureties in the like amount, on a condition to deposit Rs.1,00,000/- on or before 28th February, 2019 in the Court of the learned 15th Judicial Magistrate First Class, Pune;

(iii) The applicant/accused shall not jump the bail.

6. Criminal Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)