

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

**CRIMINAL APPLICATION NO.228 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 222 OF 2019**

M/s. Vinay Containers Services Pvt. Ltd. & Ors. ...Applicants

Versus

State of Maharashtra & Anr. ...Respondents

.....
Mr.Kishor N. Bhatia for the Applicants.
Mr. A.R.Patil, APP for Respondent No.1-State.
.....

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 15 APRIL 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Criminal Application is moved by the applicants/accused for bail. The applicants/accused are convicted under section 138 of the Negotiable Instruments Act by judgment and order dated 4th May, 2018 passed by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai and sentenced to suffer S.I. for three months and directed to pay a fine of Rs. 33,00,000/- towards the compensation to the original complainant on or before 4th June, 2018, and in default to suffer further S.I. for six

months. The said order was challenged in Criminal Appeal No. 293 of 2018. The said Appeal was dismissed by judgment and order dated 7th March, 2019 passed by the learned Ad-hoc Additional Sessions Judge, Sessions Court, Gr. Mumbai. Hence, this Application.

3. The learned Counsel for the applicants/accused submits that the order was passed an ex-parte. He further submits that the applicants/accused have a good case on merits. It is a bailable offence. Further, the applicants/accused were on bail throughout the trial and also during the appeal. He further submits that the applicants/accused have deposited Rs. 3,00,000/- in the trial Court.

4. The learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

- i) The applicants/accused shall deposit a further sum of Rs. 5,00,000/- in two installments in the Court of the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai. The first

installment of Rs. 2,00,000/- shall be deposited on or before 2nd May, 2019 and the second installment of Rs. 3,00,000/- shall be deposited on or before 3rd June, 2019;

ii) Subject to the deposit being made as mentioned above, the applicants/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

iii) The applicants/accused shall attend all the Court dates;

iv) The original complaint i.e., respondent No.2 is allowed to withdraw the said amount upon furnishing an usual undertaking, as prescribed under the Negotiable Instruments Act.

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

(MRIDULA BHATKAR, J.)