

Vidya Amin.

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

CRIMINAL APPLICATION NO. 477 OF 2019

Haresh Shantaram Naik ... Applicant
VS.
Santosh Mahadev Degloorkar & Anr. ... Respondents

Mr. Himanshu S. Shinde, Advocate for the applicant.
Mrs. Veera Shinde, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 16th April, 2019**

P.C. :

This Application is moved for modification of the order dated 27th November, 2018 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi while granting bail.

2. The learned counsel for the applicant submitted that the applicant has good case on merits. He submitted that the cheque amount is Rs.9,00,000/-, however, the compensation is saddled at Rs.14,06,250/-. He submitted that the learned Additional Sessions Judge in operative clause No. (3) of the order dated 27th November, 2018 has directed the applicant/accused to deposit 50% of the compensation within the period of two months.

However, the applicant/accused is salaried person and earning only Rs.20,000/- per month. Moreover, the conditional order directing to deposit 50% is bad in law and it is to be relaxed and modified.

3. There is no need to issue notice to respondent No. 1/complainant, as the applicant/accused seeks modification in the order of bail.

4. Considered the submissions and provisions under sections 143(a) and 148 of Negotiable Instruments Act. The applicant/accused is directed to deposit Rs.3,00,000/-, which will come to more than 30% of the cheque amount, in the trial Court. Out of Rs.3,00,000/-, Rs.1,00,000/- to be deposited on 30th April, 2019 and Rs.2,00,000/- to be deposited on 2nd June, 2019. The original complainant is allowed to withdraw the said amount on giving undertaking as contemplated under the Negotiable Instruments Act, before the trial Court.

5. Criminal Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)