

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

**CRIMINAL APPLICATION NO. 388 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 377 OF 2019**

Anant Shaligram Kalaskar	...	Applicant
V/s.		
Sandeep Gulabrao Kate and		
anr	...	Respondents

Mr. Ashutosh Kaushik, i/by P.M. Nimbalkar, for Applicant.
Mr. R. M. Pethe, APP for Respondent State.

CORAM : A.S. GADKARI, J.

DATE : 31st July 2019.

P.C. :

- 1] This is an application for suspension of sentence and for releasing the applicant on bail.
- 2] Heard the learned counsel for the applicant. Perused the record.
- 3] The applicant has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.7,00,000/- by the

learned Judicial Magistrate First Class, Khadaki, Dist.- Pune in S.C.C. No. 791/2016 by its Judgment and Order dated 1st September, 2017.

Criminal Appeal bearing No.477 of 2017 preferred by the applicant has been dismissed by the learned Additional Session Judge, Pune, by its Order dated 22/07/2019.

4] The learned counsel for the applicant submitted that, as of today, the applicant has deposited a sum of Rs.1,00,000/- out of total fine amount, imposed upon the applicant. He further, on instructions, submitted that, the applicant will deposit the balance amount of Rs.6,00,000/-, in the Registry of the Appellate Court, before his actual release from jail. The said statement is accepted.

5] As the maximum sentence imposed upon the applicant is one year of simple imprisonment and the possibility of the present Revision being heard on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicant and release him on bail.

Hence the following Order :

(i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(iii) It is made clear that before actual release, the applicant shall deposit balance amount of Rs.6,00,000/- in the Registry of the Appellate Court.

(iv) The procedure for bail be completed before the Trial Court i.e. Judicial Magistrate First Class, Khadki, District-Pune.

6] Application is allowed in the aforesaid terms.

7] All concerned to act on the authenticated copy of this order.

[A.S. GADKARI, J.]