

Anand

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

**CRIMINAL APPLICATION NO. 349 OF 2019
(For Modification of Order)**

Suraj Sharma .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Tamsin Monis i/b. Mr. Murtaza Najmi, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.10.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks modification of the order dated 11.10.2019 passed in Cri. Appeal No. 258 of 2019, inasmuch as, it directs the Applicant to be released on executing PR Bond of Rs. 2,00,000/- with one or more sureties in the like amount.

3. Perused the papers. The Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai vide Judgment and Order dated 24.10.2017. Pursuant to his conviction, the Applicant was arrested under the conviction warrant on 21.09.2019 and was taken into custody and lodged in jail. The Applicant, thereafter,

preferred an Appeal before the learned Sessions Judge, Mumbai alongwith an Application for condonation of delay. The Applicant also filed an Application seeking suspension of his sentence and for bail pending the hearing and final disposal of his Appeal before the Sessions Court. The learned Sessions Judge was pleased to condone the delay. On 11.10.2019, the Applicant's substantive sentence of imprisonment was suspended until the decision of the Appeal. The Applicant was also directed to deposit 20% of the compensation amount within a period of one month. Accordingly, the said Application (Exh. 2) for suspension of sentence was disposed of. It appears that the Applicant's bail Application was also allowed and the Applicant was directed to be released on bail on his executing PR Bond of Rs. 2,00,000/- with one or more sureties in the like amount. The Applicant was also granted cash bail for a period of one month within which the sureties as directed were to be given.

4. The Applicant is aggrieved by the said order, inasmuch as, it directs the Applicant to be released on executing PR Bond of Rs. 2,00,000/- with one or more sureties in the like amount.

5. Learned counsel for the Applicant submits that the said amount of Rs. 2,00,000/- is exorbitant and unreasonable. She, therefore, seeks modification of the said order. Learned counsel for the Applicant,

however, states that the Applicant will comply with the order of deposit within the stipulated period, as directed by the learned Additional Sessions Judge. Statement accepted. The bail amount, in the facts, is exorbitant.

6. Accordingly, the order dated 11.10.2019 passed by the learned Additional Sessions Judge to the extent, that it directs the Applicant to be released on executing PR Bond of Rs. 2,00,000/- with one or more sureties in the like amount stands modified, on the following terms & conditions :-

O R D E R

- (i) The Applicant be released **on cash bail** in the sum of Rs. 25,000/-, **for a period of one month from today;**
- (ii) The Applicant shall within the said period of one month, furnish P. R. Bond in the sum of **Rs. 25,000/-** with one or more sureties in the like amount.

7. The Application is disposed of.

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

(REVATI MOHITE DERE, J.)