

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

CRIMINAL APPLICATION NO. 1468 OF 2018

Bhavana Rawail

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

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Mr.M.Shirazi I/b. Mr.Vivek Sharma for the Applicant.
Mrs.Veera Shinde, APP for Respondent No.1-State.
Mr.Diwakar Gond for Respondent No.2.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : 16 JANUARY 2019**

P.C.:

1. This Application is moved for modification of the bail order dated 17th April, 2018 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai in Criminal Appeal No.132 of 2018.

2. While granting bail, the learned Additional Sessions Judge has directed the applicant, who is convicted under Section 138 of the Negotiable Instruments Act, to deposit 50% of the compensation awarded by the learned Magistrate within a period of two months i.e., on or before 16th June, 2018. However, the

applicant has neither deposited the said amount nor he got the period extended to deposit the said amount. Now, the applicant has moved this Court seeking some concession in depositing the amount of compensation.

3. The learned counsel for the applicant has submitted that the cheque amount is Rs. 10 lakhs and the amount of compensation is Rs. 17 lakhs. Hence, it is not possible for the applicant to deposit 50% amount of the compensation and, therefore, it is to be made 20% of the amount of compensation.

4. The learned counsel for respondent No.2 i.e., original complainant while opposing this Application, has pointed out conduct of the applicant, who is the appellant before the Sessions Court. He has submitted that the applicant has breached the order passed by the learned Additional Sessions Judge.

5. Considered submissions. The Applicant is directed to deposit 50% amount of the cheque instead of compensation. To that effect, the impugned order passed by the learned Additional Sessions judge is modified. The amount of Rs. 5 lakhs is to be

deposited on or before 22nd February, 2019. Out of which, Rs. 3 lakhs is to be deposited on or before 8th February, 2019 and the remaining amount shall be deposited on or before 22nd February, 2019 in the Court of the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai. This period will not be extended hereafter. If the money is not deposited within stipulated time, conviction warrant shall take its own course. The original complainant i.e., respondent No.2 is allowed to withdraw the said amount.

6. With this, Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)