

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 CRIMINAL APPLICATION NO.3296 OF 2022
IN CRIMINAL REVISION APPLICATION NO.295/2022**

**BALKRUSHNA DAMODAR AMRUTKAR
VERSUS
YOGESHWAR NAGARI CO-OPERATIVE CREDIT SOCIETY
(LIMITED) DHULE THROUGH SANDIP VASANT BAVISKAR AND
ANR**

Mr. P. S. Shendurnikar, Advocate for the applicant
Mr. S. P. Tiwari, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th September, 2022

P. C.

1. Heard the learned advocate for the applicant. He states that cheque of Rs.31,07,000/- was given to the bank i.e. Cooperative Credit Society. Respondent No.1-complainant who is a bank had advanced the loan to the applicant. The society has also filed proceeding under Section 101 of the Co-operative Societies Act and certificate is issued by the competent authority i.e. the Registrar, Co-operative Society. Pursuant to the recovery certificate, the properties are already attached longback. Thus, he submits that the amount of the society is secured. He further

submits that his client has deposited an amount of Rs. 1,50,000/- in the appellate court at the time of praying for suspension of sentence. From the date of judgment in the appellate court i.e. from 22-09-2022 he is in custody. The age of the applicant is 70 years and he has also suffered by-pass-surgery in July, 2022.

2. Considering these aspects, he prays for suspension of sentence.

3. Considering the above circumstances, a case is made out to suspend the sentence and to release the applicant on bail. Hence, the following order:

ORDER

a] Criminal application is allowed.

b] The applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- [Rupees Twenty

(3)

apln3296.22

Five Thousand Only] with one solvent surety in the like amount.

c] Sentence imposed by order dated 08-02-2017 in STCC No.2787/2006 passed by the learned JMFC, Dhule and confirmed by the learned Additional Sessions Judge, Dhule in Criminal Appeal No.26/2017 by order dated 22-09-2022, shall stand suspended till the criminal revision application No.295/2022 is decided.

4. Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]

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