

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

951 CRIMINAL APPLN 3786/2023

IN

REVN/310/2023

HARI OM ENTERPRISES PROP NAMDEO LAXMAN HARGUDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. S.G. Kawade

APP for Respondent : Mr. S.B. Narwade

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated: October 13, 2023

...

PER COURT :-

1. Heard learned advocate appearing for the applicant and the learned APP appearing for the respondent State.

2. Mr. Kawade, learned advocate appearing for the applicant submitd that the applicant was subjected to trial in SCC No.266 of 2016 before the learned J.M.F.C., Parli (Vaijnath) for the offence punishable u/s 138 of the Negotiable Instruments Act. After trial, the learned Magistrate convicted the applicant and sentenced to suffer S.I. for six months with further direction to pay compensation of Rs.9.80,000/- to the complainant, in default to suffer S.I. for three months. He would further submit that the applicant had approached the Sessions Court in Criminal Appeal No.3 of 2019. However, his appeal came to be dismissed vide order dated 10.10.2023. The applicant has immediately surrendered and he is taken into custody.

aaa/-

3. Mr. Kawade, learned advocate would further submit that the applicant was on bail during trial so also during pendency of the appeal. He has not misused the said liberty. He takes the Court through the reasoning adopted by the Court and submit that there are arguable grounds in revision application.

4. Considering the aforesaid submissions and on perusal of the judgment and order passed by the trial court as well as the appellate Court, it appears that there are reasonable grounds requiring consideration. Record and Proceeding is already called for in the revision application. In that view of the matter, case is made out for grant of bail subject to certain conditions. Hence, order.

ORDER

- i. Application is allowed.
- ii. Pending hearing and final disposal of criminal revision application no.310 of 2023, the substantive part of sentence imposed by the learned J.M.F.C Parli Vaijnath in SCC No.266 of 2016 and confirmed by the Additional Sessions Judge, Ambajogai in Criminal Appeal No.3 of 2019 is hereby suspended.
- iii. Meanwhile, the applicant be released on bail on his furnishing P.B. and S.B. of Rs.25,000/- each subject to further condition that he shall deposit Rs.5.00 Lakh (Rs. Five Lakh) with the trial court

within a period of four weeks from the date of his release on bail.

- iv. Bail before the Trial Court.
- v. Non-observance of the condition regarding deposit of the amount shall entail cancellation of the bail without further reference to this Court.
- vi. Application is accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)

...