



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL APPLICATION NO.4524 OF 2023

ROYAL AGRO INDUSTRIES PROPRIETOR SHAIKH IRFAN
SHAIKH ASIF

....Applicant

VERSUS

KEWALRAM HAJARMAL AND CO-PROPRIETOR SOMESH
GANESHLAL AGRAWAL

.....Respondent

.....

Advocate for Applicant : Mr. A. K. Bhosle
APP for the Respondent-State: Mr. A. S. Shinde.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 18.12.2023

PER COURT :-

1. Mr. Bhosle, learned Advocate appearing for the applicant submits that the applicant was subjected to prosecution in SCC No. 1452/2021 for offence punishable under Section 138 of the Negotiable Instruments Act. On conclusion of trial, learned Magistrate pleased to convict applicant and sentenced him to suffer simple imprisonment for one month and to pay compensation of Rs.8,79,107/- under Section 357(3) of the Criminal Procedure Code. The judgment of the Trial Court was subjected to challenge in Appeal bearing no.10/2023 before the Additional Sessions Judge at Jalna. The appellate Court dismissed the appeal vide judgment and order dated 15.12.2023. He would submit that the Courts below have failed to appreciate the evidence on record in its proper perspective, so also defences raised on behalf of the applicant/accused person is ignored. By inviting attention of this

Court to the grounds raised in Revision Application, he submits that matter requires consideration after calling Record and Proceedings. He would further submit that was on bail during the trial as well as appeal and he has not misused the liberty. During the pendency of Appeal the applicant has deposited total sum of Rs.1,75,000/- and to show bonafide the applicant is ready and willing to deposit additional amount of Rs.2,25,000/- in this Court.

2. The learned APP however strongly opposes the prayer for grant of bail. He would submit that both the Courts have concurrently held the applicants guilty for the offences stated above.

3. Having considered the submissions advanced and after going through the judgment of trial Court as well as the appellate Court, it appears that there are good grounds which requires consideration after calling for record and proceedings. In that view of the matter, case is made out for grant of bail until further order. Hence, I pass following order :

ORDER

- (i) The Criminal Application is allowed.
- (ii) Pending hearing and final disposal of the Revision Application, the substantive sentence imposed by the Judicial Magistrate First Class, Court No.3, Jalna in Summary Criminal Case No.1452/2021 dated 27.02.2023 and confirmed by the learned Additional Sessions Judge at Jalna in Criminal Appeal No.10/2023 dated 15.12.2023 is hereby suspended till further orders.
- (iii) Meanwhile, the applicant, Shaikh Irfan Shaikh Asif be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each with one solvent surety of the like amount with

condition that applicant shall deposit the amount of Rs.2,25,000/- with the Trial Court within the period of six weeks from the date of his release.

(iv) The release of the applicant is subject to condition of deposit of the amount. In case of failure to deposit the amount, the order granting bail to the applicant shall stand automatically cancelled without further reference to this Court.

(v) Bail before the Trial Court.

(vi) The Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-