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

WRIT PETITION NO.1226 OF 2023

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Sneha Ashish Shah

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ratnesh M. Dube for the petitioner.

Mr. M.G. Patil, APP for respondent no.1/State.

Mr. Jatin P. Shah with Ms. Snehankita M. Muni, Ms. Shraddha Kamble and Ms. Preeti S.G. for respondent no.2.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2023

P.C.:

1. The writ petition arises out of conviction and sentence of the petitioner in a proceedings under Section 138 of the Negotiable Instruments Act, 1881. The petitioner is in jail in execution of order of conviction and sentence.

2. During the pendency of the writ petition, the petitioner has filed affidavit-cum-undertaking dated 29 April 2023. Undertaking tendered on 24 April 2023 (tendered in Court on 26 April 2023) is taken on record and marked 'X' and undertaking dated 29 April 2023 (tendered in Court today) is taken on record and marked 'Y' for identification. Both undertakings are accepted.

3. In view both undertakings, the conviction and sentence

imposed by order dated 18 May 2022 passed by the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai in Criminal Case No. 5612601/2019 is suspended, subject to clause (3) of undertaking dated 24 April 2023 and clauses (4) to (9) of undertaking dated 29 April 2023;

4. The petitioner shall be released on bail on furnishing cash surety in the amount of Rs.10,000/-.

5. The petitioner shall furnish PR. Bond in the sum of Rs.10,000/- and sureties as specified in paragraph 7 of the undertaking dated 29 April 2023. The sureties are to be furnished before the Appellate Court within three weeks from the date of release of the petitioner.

6. It is made clear that in case of default of any clause in both the undertakings, the order of suspension shall stand vacated forthwith without further reference to the Court.

7. In view of acceptance of both the undertakings, the writ petition stands disposed of.

8. However, in case of default of any clauses in the undertakings, it will be open for the complainant to initiate proceedings under the provisions of the Contempt of Courts Act or any other proceedings as are permissible in law either in this Court or any other appropriate Court.

(AMIT BORKAR, J.)