



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

BAIL APPLICATION NO.2882 OF 2023

TARIK BASITALI KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Kishan S. Chaudhari a/w Adv. Rajabhau Chaudhari for
the applicant.

Mr. N. B. Patil, APP for the State-respondent No.1.

Adv. Pradip D. Gharat for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 27, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP
for the State and learned counsel for respondent No.2.

2. This is an application for bail in respect of the offence
punishable under Section 138 of Negotiable Instrument Act.
The proceedings before the trial Court is under Section 138
of Negotiable Instrument Act. The cheque of sum of
Rs.64,75,319/- was dishonoured. The applicant-accused
was enlarged on bail by the trial Court. From the roznama it
reveals that after enlargement on bail the applicant did not
appear even on one date. Since the applicant did not

appear, non-bailable warrant was issued and the applicant was arrested on 08.09.2023.

3. Learned counsel for the applicant contended that it is because of Covid-19 pandemic and as the lawyer who was appointed to represent him did not inform the applicant the next date that the applicant did not remain present. Learned counsel for the applicant on instructions of the applicant tenders an apology for not remaining present and submits that the non-appearance was not intentional. It is further submitted on instructions that to show his bonafides 20% of the cheque amount which is a subject matter of the complaint before the learned Magistrate will be deposited within a period of four weeks from today. The statement is accepted. Such deposit shall abide by the final decision in the complaint and without prejudice to the rights and contentions of the parties.

4. Only by way of indulgence and in view of the statement made, though the application is vehemently opposed by learned APP and learned counsel for respondent No.2, I am inclined to enlarge the applicant on bail as the

personal liberty of the applicant is involved and as learned counsel for the applicant assures this Court that henceforth the applicant shall remain present each and every date before the trial Court. There shall be no default on his part. The applicant shall co-operate with the expeditious disposal of the trial and will not seek unnecessary adjournments. The trial Court is requested to expedite the trial. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Tarik Basitali Khan shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of six weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The statements made on behalf of the applicant is accepted as an undertaking to this Court and the same shall be abided by the applicant.

(g) In the event there is breach, it is open for the complainant or the prosecution to apply for cancellation of bail.

(h) The trial is expedited.

5. The application is disposed of.

(M. S. KARNIK, J.)