

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 6390/2026
CNR: RJHC010733002026 | URN: CRLMP / 11265U / 2026

Mukhtiyar Ahmad S/o Mohammed Noor, Aged About 54 Years, R/o Anjuman Ke Pass, Muslim Mohalla, Bagor, Police Station Bagor, Tehsil Mandal, District Bhilwara, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Sunil Tiwari S/o Mohan Lal Tiwari, R/o Petrol Pump Ke Pass, Bus Stand Road, Gangapur, Police Station Gangapur, District Bhilwara, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Shree Kant Verma
For Respondent(s)	:	Mr. Prem Singh Panwar, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

03/08/2026

1. By way of filing the present criminal misc. petition, a challenge has been made to the order dated 16.05.2026 passed by the learned Additional District & Session Judge, Gangapur, District Bhilwara in Criminal Appeal No.06/2026.
2. Briefly stated, the facts of the present case are that after getting convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, the petitioner moved an appeal along with an application under Section 389 of Cr.P.C., before the learned Appellate Court. The appeal was admitted and while allowing the application under Section 389 of Cr.P.C., the learned Appellate Court vide order dated 16.05.2026 imposed a condition



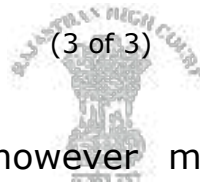
of depositing 20% of the compensation amount awarded by the trial Court.

3. Learned counsel for the petitioner submitted that the petitioner is a poor person and does not have sufficient source of income to sustain himself. Learned counsel thus prayed that since the petitioner is facing financial crunch and is unable to satisfy the said condition of depositing the 20% of the compensation amount, the said condition be removed.

4. Heard learned counsel for the parties at Bar. Perused the material as made available to this Court.

5. It is settled law that the imposition of condition for deposition of 20% of the compensation amount is discretionary and thus keeping in view the arguments of learned counsel for the petitioner that the petitioner is facing financial hardship and is not in position to deposit 20% of the compensation amount awarded by the trial Court, this Court deems it appropriate to modify the aforementioned condition mentioned in the order dated 16.05.2026.

6. Accordingly, the instant criminal misc. petition is partly allowed. The condition of deposition of 20% of the compensation amount vide order dated 16.05.2026 is modified. Now, the petitioner would deposit 10% of the cheque amount instead of 20% of the compensation amount as imposed by the learned trial Court within a period of one month from the date of this order, after adjusting the amount already deposited by the petitioner. The petitioner upon fulfilling the condition of deposition of 10% of the cheque amount within stipulated time shall be entitled to be



released on bail. It is however made clear that the other conditions of the order dated 16.05.2026 shall remain unaltered.

7. The stay petition also stands disposed of accordingly.

(KULDEEP MATHUR),J

77/Anil Kumar Choudhary