

Vidya Amin.

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

**CRIMINAL APPLICATION No. 605 OF 2018  
WITH  
CRIMINAL APPLICATION NO. 606 OF 2018  
IN  
CRIMINAL REVISION APPLICATION No. 632 OF 2018**

M/s. Creations Unlimited & Anr. ... Applicants

VS.

M/s. Deep Industries & Anr. ... Respondents

Mr. Shoaib I. Memon, Advocate for the applicants.

Mr. Jatin Shah, Advocate for respondent no. 1.

Mr. Yogesh Y. Dabke, APP for respondent no. 2/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.**

**DATED: 30<sup>th</sup> November, 2018**

**P.C. :**

Upon mentioning, taken on production board.

2. The applicants-accused have moved these Application for bail and suspension of sentence, as they are convicted for the offences punishable under section 138 of Negotiable Instruments Act and is sentenced to suffer S.I. for 6 months and to pay fine of Rs.4,00,000/- with interest @9% p.a. by the judgment and order dated 8<sup>th</sup> May, 2017 passed by the Metropolitan Magistrate, 6<sup>th</sup> Court, Mazgaon. The said judgment was challenged by filing Criminal Appeal No. 404 of 2017. The Appeal was dismissed by

the judgment and order dated 22<sup>nd</sup> November, 2018 passed by the Addl. Sessions Judge, Greater Mumbai.

3. The learned counsel for the applicants-accused has submitted that the applicant-accused no. 2 was taken in custody and she is in custody since 22<sup>nd</sup> November, 2018. He submitted that the offence is bailable. He prays that the sentence be suspended and bail be granted to the applicant-accused.

4. The learned counsel for the respondent no. 1/complainant submitted that the applicant-accused can be granted bail on condition that she should be directed to deposit full amount in view of Sections 143A and 148 of N.I. Act. He submitted that considering the interest, the total amount comes to Rs.7,50,000/-.

5. Considered the submissions. The offence is bailable. The applicant/accused no. 2 was on bail throughout the trial and during the period of Appeal. It is submitted by the learned counsel for the applicants/accused that the applicant has deposited Rs.40,000/- before the trial Court, which is 10% of the cheque amount. In view of this, following order is passed:

- (i) The Applications are allowed;
- (ii) The sentence is hereby suspended till the hearing of this Revision Application;
- (iii) The applicant/accused shall be released on furnishing cash bail of Rs.15,000/- and P.R. Bond of the like amount;
- (iv) The applicant is directed to deposit 25% of the total amount, which also includes interest, in the trial Court on or before 20<sup>th</sup> December, 2018. The amount of Rs.40,000/- which is already deposited, is to be adjusted with this 25%.
- (v) The applicant/accused shall not jump the bail;
- (vi) The applicant/accused shall make herself available at the time of hearing of Revision Application;
- (vii) The applicant shall not leave the country without permission of this Court.

6. Criminal Applications are disposed of on above terms.

7. List the Revision Application for admission on 25<sup>th</sup> January, 2019.

**(MRIDULA BHATKAR, J.)**