

ORDER BELOW EXH.27 IN
CRIMINAL MISC. APPLICATION NO. 5/2025
CNR NO. MHRT010000832025.

1. By the impugned Judgment and order dated 16.07.2024 in SCC No. 586/2020, the applicant/accused has convicted for the offence punishable u/s. 138 of the Negotiable Instruments Act and sentenced to suffer Simple Imprisonment for 2 (Two) months. She has further directed to pay compensation of Rs. 2,56,000/- (Rs. Two Lakhs Fifty Six Thousand only) to the complainant within 02 months from the date of the order, in default, she shall suffer S.I. for 15 days.
2. Perused the application and say. Heard Ld. Counsels respectively.
3. It appears from the record that against the above said judgment and order dated 16.07.2024 the applicant has preferred present criminal appeal. As there was delay of 199 days in filing appeal the present application for condonation of delay came to be preferred.
4. There was an application for suspension of sentence and releasing her on bail vide order dated 04.02.2025 the substantive sentence was suspended and she was enlarged on bail on condition of depositing 20% of the total compensation amount awarded by the Ld. Trial court. The applicant deposited only Rs. 10,000/- on the same day. However, thereafter she never turned up to deposit the said amount. Hence, vide order dated 17.07.2025 my Ld. Predecessor directed to issue conviction warrant for execution of the sentences.

5. Presently the applicant has been arrested on 27.01.2026. Ld. Counsel for the applicant submitted that she is suffering from pain in abdomen and she is cancer patient that is why she could not pay the amount in time. Presently she is depositing the remaining amount of Rs.41,200/- (Rupees Fourty One Thousand Two Hundred only) out of 20% of compensation amount. Hence, she may be enlarged on bail on appropriate conditions.

6. The application has vehemently opposed by the respondent by contending that the applicant took 14 dates for depositing 20% amount, there is no livelihood of proceeding with the matter or depositing the further amount in the Court. On these contentions request for the rejection of the application has made.

7. No doubt the applicant has breached the conditions of bail and she is grossly negligent in depositing the amount. However, at the same time today she has deposited the balance amount out of 20% of the total compensation. She has produced photo copy of some case papers and discharge summary from Parkar Hospital and Research Institute Pvt. Ltd.

8. Even otherwise, this is first appeal. If the application would be rejected the applicant would required to undergo the remaining sentences and the appeal would be became in-fructuous. It is always necessary to give a fear chance to the parties to agitate their matter on merits.

9. Under such circumstances, it is required to enlarge the applicant on bail on condition that she should co-operate the hearing of the present application expeditiously and to conclude the hearing within two months from today. Hence, I pass following order.

ORDER

1. The application Exh-27 is hereby allowed.
2. During pendency of appeal, the applicant/accused Saloni Shailesh Hatkhambkar is hereby enlarged on bail on executing P.B. and S.B. of Rs.25,000/- on following conditions;
 - a) She shall not tamper the prosecution evidence.
 - b) She shall not commit any other or further offence.
 - c) She 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 them from disclosing such facts to the Court or to any police officer.
 - d) She shall co-operate the hearing of the present application expeditiously and to conclude the hearing within two months from today.
 - e) She shall remain present on each and every date in present appeal.
 - f) She shall give documentary proof of her identification and permanent residence at the time of their furnishing surety.
 - g) She shall not leave India without previous permission of the Court.
3. Bail before the concerned court.

Date : 02.02.2026

(V. Y. Jadhav)
Sessions Judge, Ratnagiri.