

MHRT030005442018 	<u>SCC 339/2018</u> Sheshkumar Mahadev Malusare VS Shabnam Iqbal Fodkar
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ORDER PASSED BELOW EXH.63

The present application has been preferred by the accused under Section 389(3) of the Code of Criminal Procedure, seeking suspension of the sentence imposed by this Court and release on bail to enable her to prefer an appeal against the judgment of conviction.

02. Perused the application. The complainant has not filed any reply opposing the same. Heard the Ld. Advocate appearing for the accused. The record has also been carefully perused.

03. By the judgment and order passed today, the accused has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced accordingly. The accused has expressed her intention to challenge the said judgment before the competent Appellate Court. The offence under Section 138 of the N.I. Act is bailable in nature and the sentence imposed is appealable.

04. It is further evident from the record that throughout the course of trial, the accused was on bail and has regularly remained present before the Court. There is nothing on record to indicate that she has ever misused the liberty granted to her, attempted to evade the process of law or violated any condition of bail. The conduct of the accused during the pendency of the proceedings has remained satisfactory.

05. Considering the nature of the offence, the sentence imposed, the fact that the accused intends to prefer an appeal, and there being no material to suggest that she is likely to abscond or misuse the liberty if released on bail, I am of the view that the accused has made out a fit case for exercise of powers under Section 389(3) of the Code of Criminal Procedure. No special circumstances are brought on record warranting denial of the relief sought. Hence, in the interest of justice, the following order is passed:

ORDER

- 1.** The application is hereby allowed.
- 2.** The substantive sentence imposed upon the accused by the judgment and order passed by this Court today is hereby suspended for the period prescribed for preferring an appeal.
- 3.** The accused/convict be released on bail on executing a Personal Recognizance Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- 4.** The accused/convict shall produce before this Court the appropriate order passed by the Hon'ble Appellate Court within one month from the date of this order, failing which necessary steps shall be taken in accordance with law.

(Order typed and declared in the open Court)

Date : 24/07/2026
Place : Ratnagiri.

(Shabnam Yunus Shaikh)
Judicial Magistrate F.C.
Court No.2, Ratnagiri.

CERTIFICATE

I hereby affirm and state that the contents of this PDF file are true, correct, and word-for-word in accordance with the original order.

Date : 24/07/2026
Place : Ratnagiri.

(Shabnam Yunus Shaikh)
Judicial Magistrate, F.C.
Court no.2, Ratnagiri.