

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 254 of 2017**

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ARUNBHAI KAVARLAL PARIKH....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR AJAY S JAGIRDAR, ADVOCATE for the Applicant(s) No. 1

MR. N.J.SHAH, APP, for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE Z.K.SAIYED**

Date : 21/03/2017

ORAL ORDER

RULE. Mr. N.J. Shah, learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent State.

[2] In the present Criminal Revision Application, the applicant herein original accused has prayed to release him on bail by suspending the sentence imposed vide judgment and order dated 19.01.2016 passed in Criminal Case No. 1453 of 2009 by the learned Additional Chief Metropolitan Magistrate, N.I. Court No.27, Ahmedabad, which is confirmed by learned Additional Sessions Judge, City Civil and Sessions Court, Court No.21, Ahmedabad vide order dated 17.03.2017 passed in Criminal Appeal No.75 of 2016, whereby the applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment of one year with fine of 2500/- and in default, to undergo further period of two months simple

imprisonment.

[3] Heard learned advocate appearing for the applicant and learned Additional Public Prosecutor for the respondent State.

[4] Learned advocate for the applicant submits that disputed amount of cheque is of Rs. 30,000/- and present applicant is ready to deposit 50% of the amount i.e. Rs.15,000/- before the lower Court. He, therefore, prays to release the applicant on bail.

[5] Considering the overall facts and circumstances of the case and sentence imposed by the learned trial Judge, the applicant is required to be released on bail and by suspending the sentence imposed by judgment and order dated 19.01.2016 passed in Criminal Case No. 1453 of 2009 by the learned Additional Chief Metropolitan Magistrate, N.I. Court No.27, Ahmedabad, which is confirmed by learned Additional Sessions Judge, City Civil and Sessions Court, Court No.21, Ahmedabad vide order dated 17.03.2017 passed in Criminal Appeal No.76 of 2016, pending hearing and final disposal of the Criminal Revision Application. The applicant shall be released on regular bail on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of like amount to the satisfaction of the Trial Court and subject to the conditions that he shall;

(a) deposit an amount of Rs.15,000/- before the learned trial Court within a period of **one week** from today and produce the receipt thereof on record, failing which, bail granted to the applicant shall stand cancelled.

(b) surrender passport, if any, to the lower court within a week;

(c) not leave the State of Gujarat without prior permission of the Trial Court;

(d) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[6] Direct service today is permitted.

(Z.K.SAIYED, J.)

siddharth