

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 265 of 2017****With****CRIMINAL MISC.APPLICATION NO. 7836 of 2017****In****CRIMINAL REVISION APPLICATION NO. 265 of 2017**

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GOVINDBHAI BHULABHAI PRAJAPATI....Applicant(s)

Versus

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

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Appearance:

HEMANG S BHARWAD, ADVOCATE for the Applicant(s) No. 1

SAHIL B TRIVEDI, 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 : 24/03/2017****ORAL ORDER****ORDER IN CRIMINAL REVISION APPLICATION:-**

Rule. Learned Additional Public Prosecutor waives service of rule on behalf of respondent State.

ORDER IN CRIMINAL MISC. APPLICATION:-

[1] **RULE.** Learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent State.

[2] In the present application, the applicant herein original accused has prayed to release him on bail by suspending the sentence imposed vide judgment and order dated 07.06.2014 passed in Criminal Case No. 859 of 2011 by the learned 2nd

Additional Chief Judicial Magistrate, Himatnagar, which is confirmed by learned 2nd Additional Sessions Judge, Himatnagar vide order dated 03.03.2017 passed in Criminal Appeal No.49 of 2014, whereby the applicant-accused has been convicted 138 of the Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment of one year and further directed to pay Rs.5,30,000/- to the complainant by way of compensation within one month from the date of the order.

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

[4] Learned advocate for the applicant contended that the applicant is ready and willing to deposit 50% of the total amount i.e. Rs.2,75,000/- before the learned trial Court. He contended that the applicant has surrendered before the jail authority. He therefore, prays to release the applicant on bail on any suitable terms and conditions.

[5] Considering the overall facts and circumstances of the case and sentence imposed by the sentence imposed by judgment and order dated 07.06.2014 passed in Criminal Case No. 859 of 2011 by the learned 2nd Additional Chief Judicial Magistrate, Himatnagar, which is confirmed by learned 2nd Additional Sessions Judge, Himatnagar vide order dated 03.03.2017 passed in Criminal Appeal No.49 of 2014, the present application requires consideration and the same is allowed. The sentence imposed by judgment and order dated 07.06.2014 passed in Criminal Case No. 859 of 2011 by the learned 2nd Additional Chief Judicial Magistrate, Himatnagar, which is confirmed by learned 2nd Additional Sessions Judge,

Himatngar vide order dated 03.03.2017 passed in Criminal Appeal No.49 of 2014 is hereby suspended pending hearing and final disposal of the Criminal Appeal. The applicant shall be released on regular bail on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) each 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.2,75,000/- before the learned trial Court within 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] The application stands ***disposed of***. Direct service is permitted. Rule is made absolute to the aforesaid extent.

(Z.K.SAIYED, J.)

ABHISHEK