

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1812 of 2025**

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LAXMANBHAI LAKHABHAI BHOJANI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

A N KADRI(7990) for the Applicant(s) No. 1

MR. NEERAJ SHARMA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 29/09/2025

ORAL ORDER

1. Heard learned advocate for the petitioner. Concurrent findings recorded by the learned Courts below convicting and sentencing the accused under section 138 of NI Act has been challenged inter-alia on the grounds stated in Revision memo. The Revision Application deserves consideration. **Rule.** Learned APP waives service of rule on behalf of respondent - State.

2. Learned advocate for the petitioner submits that the petitioner is behind bar since 15.09.2025. It is also submitted that the petitioner has deposited 15% of the cheque amount and it is further submitted that the petitioner is ready to deposit 35% of the cheque amount within four weeks from the date of release. It is

submitted that the petitioner shall file usual Undertaking before this Court. Considering, this aspect, it is submitted to suspend the sentence and grant regular bail to the petitioner.

3. Upon considering the submissions made at bar, it appears that petitioner is sentenced for a fixed period and the Revision is not likely to be heard in near future, sentence imposed upon the petitioner can be considered in view of the decision rendered in case of **Bhagwan Rama Shinde V/s. State of Gujarat (1999)4 SCC 421** as there are no exceptional circumstances pointed out by the learned APP to refuse/decline the application.

4. Since the present applicant - accused is in judicial custody, the applicant - accused is ordered to be released on bail, if he is not required in any other offence, on the following terms and conditions:- :-

- (1) The applicant - accused shall furnish personal bond of Rs.10,000/- as well as surety of the like amount before the learned trial Court.
- (2) Not misuse the liberty granted to him by this Court;
- (3) The applicant - accused shall also furnish the correct and permanent address with the documentary evidence before the learned trial Court.
- (4) Not leave India without prior permission of this Court.

(5) The present applicant - accused shall deposit 35% amount of the remaining arrears at the time of executing the bond before the Registry within four weeks from the date of release.

Direct service is permitted.

5. Needless to observe that in view of decision of Hon'ble Apex Court in case of ***Satish P.Bhatt Versus State Of Maharashtra reported in 2024 LiveLaw (SC) 16***, in absence of non-compliance of undertaking given before this Court, the interim protection of suspending the sentence of imprisonment and granting bail on furnishing a personal bond shall stand automatically withdrawn without reference to Court.

Mehul Desai

(R. T. VACHHANI, J)