

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1907 of 2025**

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BHARATBHAI VELJIBHAI UMRETIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR PUNIT B JUNEJA(3972) for the Applicant(s) No. 1
MR. H. K. PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 14/10/2025

ORAL ORDER

Heard learned advocate for the applicant. 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 applicant submits that the applicant has taken into judicial custody on 10.10.2025 vide order passed by concerned trial court in Criminal Case No.17527 of 2020. It is also submitted that the applicant has deposited 20% of the cheque amount before the learned Trial Court at the time of admission of appeal. It is further submitted that the applicant is ready to deposit 30% of the cheque amount within four weeks from the date of release. It is submitted that the applicant shall file usual Undertaking before

this Court. Considering, this aspect, it is submitted to suspend the sentence and grant regular bail to the applicant.

3. Upon considering the submissions made at bar, it appears that applicant is sentenced for a fixed period and the Revision is not likely to be heard in near future, sentence imposed upon the applicant 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 A.P.P. to refuse/decline the application.

4. Considering above, pending Revision Application, impugned order passed by the Courts below are kept in abeyance till further orders. The applicant is released on bail pending hearing of the Revision Application on furnishing personal bond of Rs.10,000/- and surety of like amount to the satisfaction of the learned Trial Court concerned and on further following conditions :-

- (i) The applicant shall deposit 30% amount of the cheque amount within four weeks of his release before the learned Trial Court.
- (ii) The applicant shall file usual Undertaking before this Court.
- (iii) The applicant shall provide his address proof and shall not change address without permission of this Court.
- (iv) The applicant shall also provide his mobile number as well as mobile number of his wife and shall not change the same.

(v) The applicant shall also provide mobile number of surety.

(vi) Pay the fine amount within 7 days from today, if not paid till date.

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.

NITIN MAKWANA

(R. T. VACHHANI, J)