

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 1995
of 2025**

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RAKESH THAKORBHAI KOSAMBIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. RAHIL P JAIN(7305) for the Applicant(s) No. 1

MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 04/11/2025**ORAL ORDER**

1. Heard learned advocates 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 has been in jail since 10/07/2025, as reflected from the order passed in execution of the non-bailable warrant, and thereafter pursuant to the impugned judgment dated 17/09/2025. In view of the aforesaid, and as the petitioner is ready and willing to deposit 50% of the cheque amount, it is submitted that the sentence be suspended and the petitioner be released on regular bail.

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 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 petitioner 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 petitioner shall deposit 25% of the cheque amount at the time of the executing the bond before the learned Trial Court and the rest of the 25% of the cheque to be deposited within the period of five weeks from the date of the release.
- (ii) The petitioner shall file usual Undertaking before this Court.
- (iii) The petitioner shall provide his address proof and shall not change address without permission of this Court.
- (iv) The petitioner shall also provide his mobile number as well as mobile number of his wife and shall not change the same.
- (v) The petitioner shall also provide mobile number of surety.

Direct service is permitted (**today**).

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.

Kaushal Rathod

(R. T. VACHHANI, J)