

transaction between the parties does not constitute the legally enforceable debt or liabilities. Since, it is not a legally enforceable debt or liabilities, the prosecution under Section 138 of the N.I. Act itself is illegal and it is not sustainable.

On the above facts, the prayer for suspension of sentence of petitioner has been prayed.

On the other hand, the learned counsel for the State and learned counsel for the opposite party no.2 have opposed the prayer for bail.

In the attending facts and circumstances of the case and considering the nature of transaction between the parties which is family transaction, this Court is inclined to suspend the sentence of the petitioner and enlarge him on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, East Singhbhum, Jamshedpur in Cr. Appeal No.58 of 2020 in connection with Complaint Case No.103 of 2018, subject to the condition that the petitioner will submit self-attested photocopy of his Aadhar Card and also submit his mobile number before the learned court below which he will always keep active and will not change it during pendency of this case without prior permission of the court.

In the result, I.A. No.4484 of 2021 is, hereby, allowed.

(Rajesh Kumar, J.)