



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 221 OF 2025

Santosh s/o Bajirao Patil (Padar),
Age : 54 years, Occu: Business,
R/o N-9, L-9/1, Hudco,
Near Renuka Mata Mandir,
Chhatrapati Sambhajnagar.

... Applicant
[Orig. Accused]

Versus

1. The State of Maharashtra

2. Pramodkumar Prabhakar Rao Ambekar,
Age 55 yrs., Occ. Business,
R/o 23, Moreshwar Society,
Garkheda Parisar,
Chhatrapati Sambhajnagar.

... Respondent
[R2-Orig. Complainant]

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Mr. Narendra D. Sonavane, Advocate for the Applicant.
Mr. S. S. Dande, APP for Respondent No.1-State.
Mr. P. F. Patni, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 05 FEBRUARY 2025

PER COURT :-

1. Present application is for suspension of sentence and grant of bail on account of conviction of appellant by learned J.M.F.C., Aurangabad for offence under Section 138 of Negotiable Instruments Act, 1881 [NI Act] and the same being confirmed by first appellate court, i.e. learned Additional Sessions Judge, Chh. Sambhajnagar.

2. Learned counsel pointed out that applicant was tried by learned J.M.F.C. vide S.C.C. No. 4663 of 2017 and held guilty and further sentenced to suffer three months imprisonment and to fine of Rs. 3,42,000/- by order dated 30.08.2021. That, applicant's attempt to question the said order also went futile as learned Additional Sessions Judge dismissed the appeal bearing Criminal Appeal No. 44 of 2021, by its order dated 07.12.2024. As a result, it is pointed out that, now applicant is called upon to suffer three months imprisonment but applicant has preferred revision before this Court this year itself i.e. in the year 2025, and as it would take long time to be heard, learned counsel prays for suspension of sentence and grant of bail.

3. Learned APP as well as learned counsel for original complainant strongly opposed and finally submitted that sentence be suspended and bail be granted subject to deposit of entire compensation awarded.

4. Apparently, sentence awarded in proceedings under Section 138 of the NI Act are sought to be suspended during pendency of revision which is admittedly of 2025. Learned trial court has awarded sentence of three months. Revision being of 2025, and there being no

immediate prospects of taking up the revision, relief prayed deserves to be granted by imposing certain conditions. Hence, I proceed to pass the following order:

ORDER

- I. Criminal Application stands allowed.
- II. Subject to deposit of Rs.50,000/- (Rupees Fifty Thousand Only) in the trial court, the substantive sentence imposed on the applicant Santosh s/o Bajirao Patil (Padar) in S.C.C. No. 4663 of 2017 by the learned J.M.F.C. (Court No.9), Aurangabad on 30.08.2021, which is confirmed by learned Additional Sessions Judge, Chh. Sambhajinagar by order dated 07.12.2024 in Criminal Appeal No. 44 of 2021, stands suspended till the final hearing and disposal of Criminal Revision Application No. 18 of 2025.
- III. On deposit of Rs.50,000/- in the trial court as directed in above clause (II), the applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- IV. The applicant shall not commit any criminal activity.
- V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the Criminal Revision Application, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

- VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- VII. Bail before the trial court

[ABHAY S. WAGHWASE, J.]

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