IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPLICATION NO.4025 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 160 OF 2024

PANDIT PUNDALIK DAFAL
VERSUS
BHIKADAS RAMBHAJI MHASKE AND ANOTHER

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Mr Ujwal S. Patil, Advocate for Applicant
Mr G. B. Chate, Advocate for Respondent No.1
Mr M. A. Aher, APP for Respondent No.2/State

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 01st OCTOBER, 2026

P. C. :

1. The applicant has preferred this application for cancelling the order dated 10/09/2026, passed by this Court issuing non-bailable warrant against him. The applicant states that this Court vide order dated 03/07/2024, passed in Criminal Application No.2414/2024, had suspended the substantive sentence imposed upon the applicant, subject to depositing the amount of Rs.5,00,000/- before the appellate Court. The said amount of Rs.5,00,000/- was directed to be deposited in two installments i.e. Rs.2,00,000/- forthwith and remaining Rs.3,00,000/- within two months. Prior to the said directions of

depositing Rs.5,00,000/-, the applicant has already deposited Rs.2,43,000/- before the learned Appellate Court. Thereafter, the applicant had deposited Rs.2,00,000/- as per the order dated 03/07/2024, however, the another installment of Rs.3,00,000/- was not deposited within stipulated period. The applicant has not complied with the condition imposed by this Court for suspending substantive sentence, and therefore, non-bailable warrant was issued against him returnable today i.e. on 01/10/2026.

2. Accordingly, the police authorities have produced the applicant before this Court. Since this Court has already suspended the substantive sentence of the applicant, however, specific condition was put to him as regards depositing of Rs.5,00,000/-. Admittedly, he deposited Rs.2,00,000/-, but virtually failed to pay the remaining Rs.3,00,000/-. This Court had granted time of three months to deposit Rs.3,00,000/-. Despite sufficient time having been granted to him, he has not deposited the said amount. Where there is clear cut non-compliance of the order, there is no point to show sympathy to such litigant.

3. Learned Advocate for the applicant points out to this Court that the applicant is aged about 66 years and he has also offered

to pay Rs.1,00,000/- within two days from today before the learned Trial Court and he also assures to pay remaining amount of Rs.2,00,000/- within two months. Though this Court having found the applicant non complying the order passed by this Court on 03/07/2024, however, since the applicant being senior citizen and willing to deposit the remaining amount, his application can be considered on the ground of sympathy.

4. Learned Advocate Mr. Chate for the complainant, however, strongly opposes the instant application. He submits that despite the order of this Court and there being concurrent findings and the order of suspending sentence of conviction of paying amount of Rs.5,00,000/-, the applicant is in willful contempt of Court and ought not to be shown any leniency. He, therefore, prays for rejection of the present application. He further submits that the applicant be directed to pay this amount at the earliest.

5. After considering the above submissions of the learned Advocates for the respective parties, it is found that the applicant is a retired person from the Nationalized Bank and he is also having certain liabilities. Therefore, the amount of Rs.1,00,000/- as suggested by him is directed to be deposited before the Trial Court through demand draft

within two days from today. After receipt of such demand draft, the Trial Court shall consider the application of the applicant for releasing him on bail and while releasing the applicant on bail, usual conditions be incorporated including that he should furnish P.R. bond of Rs.20,000/- alongwith two sureties in the like amount. The remaining amount of Rs.2,00,000/- be deposited before the Trial Court within two months. This application is allowed in view of the above terms. Subject to above conditions, the order dated 10/09/2026 is recalled. If there is violation of any of the above condition, then the order passed today would also stand recalled.

6. Vide order dated 22.09.2026, the learned Additional Sessions Judge remanded the applicant/ accused in judicial custody till 01.10.2026. Since the applicant is going to deposit an amount of Rs.1 lac through demand draft within two days, his judicial custody be extended till Monday. If compliance of depositing the amount is made as above, he shall be released on bail as directed above.

7. If the aforesaid amount is deposited by the applicant within stipulated period, the same shall be permitted to be withdrawn by the respondent/complainant.

8. This Court on the last occasion, had directed the concerned Police Station Officer to file his personal affidavit as to why on previous occasion, the non-bailable warrant could not be executed. Today, the concerned PSO has tendered the affidavit which is taken on record.

9. Today, the applicant is produced before this Court by the Police Authorities namely, Ashok Rangnath Barde, ASI and Sagar Govind Suryawanshi, Police Constable. He is sent back to the custody.

10. The affidavit of applicant is dispensed with.

11. The parties to act on an copy downloaded and printed from the official website of the Bombay High Court.

[SUSHIL M. GHODESWAR, J.]

sjk.