IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2381 OF 2026

MADHUSUDAN DILIP UTTARWAR
VERSUS
TRIMBAK BABURAO JADHAV AND ANOTHER

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents-State : Mr. G. O. Wattamwar
Advocate for Respondent No. 1 : Mr. Chetan T. Jadhav

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CORAM : SACHIN S. DESHMUKH, J.
(Vacation Court)

Date : 17th November, 2026

ORDER :-

1. The Applicant has presented this application seeking regular bail in Summary Criminal Case No. 3072 of 2023, pending before the Learned Chief Judicial Magistrate, Aurangabad, under Section 138 of the Negotiable Instruments Act, 1881, following the rejection of Bail Petition No. 2131 of 2026 by the Trial Court on 29.10.2026.

2. The Respondent No. 1 (Original Complainant) entered into a agreement on 07.09.2017 with the Applicant. Due to disputes during development, the parties mutually terminated the agreement. As a part of the settlement, the Applicant issued a

post-dated cheque bearing No. 000003 dated 30.12.2022 for an amount of Rs. 1,63,213/-. Upon dishonour of the said cheque and subsequent non-payment despite demand notice, Respondent No. 1 presented a complaint under Section 138 of the Negotiable Instruments Act bearing S.C.C. No. 3072 of 2023 on 06.04.2023.

3. During the trial, due to the absence of the Applicant, the Trial Court issued a Non-Bailable Warrant (NBW) on 20.02.2026 and subsequently initiated proclamation under Section 82 of the Code of Criminal Procedure.

4. In the interregnum, in the offence registered at Begumpura Police Station (Crime No. 0050 of 2025 dated 03.03.2025, culminating in RCC No. 2523 of 2026), the Applicant surrendered on 21.06.2026 and remained in judicial custody at Harsool Central Jail till granting bail on 11.09.2026 and eventually released on 05.10.2026.

5. After the release, on 14.10.2026, the Applicant appeared before the Learned Trial Court in S.C.C. No. 3072 of 2023 and applied for cancellation of the NBW vide Exhibit 34. The Trial Court rejected the said application, taking applicant into Magisterial

Custody Remand (MCR) and rejected regular bail application. The subsequent bail application before the Sessions Court has also suffered rejection on 29.10.2026.

6. Mr. Bhosle, the learned Counsel for the Applicant submitted that the absence of applicant before the Trial Court was due to fact that the applicant was confined in judicial custody in relation to other proceedings initiated by respondent No. 1 from 21.06.2026 to 05.10.2026, which prevented from attending the Court proceedings personally. Immediately upon the release from Harsool Central Jail on 05.10.2026, the Applicant appeared before the Trial Court on 14.10.2026 seeking cancellation of non-bailable warrant.

7. The learned counsel further submitted that the offence under Section 138 of the Negotiable Instruments Act is bailable in nature. The residential address and contact details of the applicant are already on record and is ready to furnish proof of residence along with stringent conditions. As such, further detention of the applicant is unwarranted. Hence, prayed to allow the application.

8. Per contra, Mr. Jadhav, the Learned Counsel for

Respondent No. 1 and Mr. Wattamwar, the Learned APP for the State opposed the application submitting that the Applicant has a history of remaining absent, which compelled the Trial Court to issue a Non-Bailable Warrant and a proclamation under Section 82 of the Cr.P.C. The Applicant had furnished incorrect address earlier. Therefore, there is a likelihood that the Applicant may not available again in the event of release on bail. Hence, prayed for rejection of the application.

9. Upon hearing the learned counsel for litigating sides and perusal of material on record, admittedly, the offence alleged against the Applicant is under Section 138 of the Negotiable Instruments Act, which is a bailable and compoundable offence. The record indicates that the Applicant was taken into Magisterial Custody on 14.10.2026 since the Non-Bailable Warrant and proclamation had been issued due to absence of the applicant.

10. However, it is a matter of record that from 21.06.2026 to 05.10.2026, the Applicant was behind bars in connection with R.C.C. No. 2523 of 2026. After the release from jail on 05.10.2026, the applicant appeared before the Trial Court on 14.10.2026 requesting cancellation of the warrant. The conduct of the applicant

indicates willingness to submit to the jurisdictional Court.

11. Equally now, nothing is required to be recovered or discovered from the Applicant. The trial of the case will take its own time to conclude. Keeping the Applicant behind bars indefinitely in a proceeding under Section 138 of the Negotiable Instruments Act would serve no fruitful purpose, especially when the apprehension of the Complainant regarding the Applicant's availability can be adequately taken care of by imposing strict conditions and directing to furnish residential proof.

12. In light of the above facts and circumstances, the Applicant has made out a case for grant of regular bail. Consequently, the Bail Application deserves to be allowed. Hence, following order :-

ORDER

i. The Bail Application is allowed.

ii. The Applicant, Madhusudan Dilip Uttarwar, be released on regular bail in connection with S.C.C. No. 3072 of 2023 pending before the Learned Chief Judicial Magistrate, Aurangabad, upon executing a P.R. Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with one or two solvent sureties in the like amount.

iii. The Applicant shall furnish latest residential address, documentary proof of residence, and active mobile number before the Learned Trial Court at the time of furnishing bail and shall not change residence without prior permission of the Trial Court.

iv. The Applicant shall attend the Learned Trial Court on each and every scheduled date of hearing regularly, unless exempted by a order of the Court and shall cooperate in the expeditious disposal of the trial.

v. The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court.

vi. In the event of breach of any of the aforesaid conditions, the Learned Trial Court shall be at liberty to cancel the bail granted to the Applicant in accordance with law.

vii. The Bail Application stands disposed of accordingly.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi