



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1838 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 145 OF 2026**

Abhijeet Uttareshwar Barkul

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.G. Kawade, Advocate for Applicant

Mr. V.M. Chate, A.P.P. for Respondent no.1 - State

....

CORAM : ABHAY J. MANTRI, J.

DATE : 08th MAY 2026

PER COURT :

1. Heard learned counsel for the Applicant and learned A.P.P. for Respondent No.1 – State. Perused the impugned judgments and orders.

2. The Applicant has preferred this Application for suspension of sentence awarded by learned J.M.F.C., Osmanabad vide judgment and order dated 03rd April, 2025 in S.C.C. No. 162 of 2020 and confirmed by learned Additional Sessions Judge, Osmanabad vide judgment and order dated 05th May, 2026 in Criminal Appeal No. 13 of 2025, whereby convicted the Applicant for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for six months

and to pay fine to the extent of Rs.12,50,000/- and in default to suffer simple imprisonment for three months, and releasing him on bail.

3. Learned counsel for the Applicant submitted that during the pendency of the trial as well as the appeal, the Applicant was on bail. However, after the judgment and order of the learned Additional Sessions Judge, he was taken into custody on 05th May, 2026, and has been in jail since then. He further submitted that the Applicant has deposited Rs. 2,50,000/- before the learned Sessions Court and on instructions undertakes to deposit an additional Rs. 3,00,000/- in this Court on or before 10th June, 2026. His statement is accepted as an undertaking to the Court. He further submitted that he has raised grounds in the Revision Application that the orders passed by the learned Courts below are liable to be set aside. He, therefore, urged for the suspension of sentence and the release of the Applicant on bail.

4. Learned A.P.P. submitted to the order of the Court.

5. Having considered the above submissions and having gone through the record, prima facie, I found substance in the contention of learned counsel for the Applicant. Apart from that, the Applicant has preferred a Revision Application challenging the judgments and orders passed by both the Courts below, which will take its own time to be finally decided. Besides, the Applicant has deposited Rs. 2,50,000/- before the learned Sessions Court and

on instructions undertakes to deposit an additional Rs. 3,00,000/- in this Court on or before 10th June, 2026. Having considered the same, in my view, it would be appropriate to suspend the sentence passed by both the Courts below and release the Applicant on bail.

6. As such, **the Criminal Application is allowed in terms of prayer clauses [B] and [C]**, subject to the deposit of Rs. 3,00,000/- in this Court on or before 10th June, 2026, failing which this order shall stand vacated.

7. The Applicant be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount. Bail before the learned Trial Court.

8. Application is disposed of.

(ABHAY J. MANTRI, J.)

SSD