



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1768 OF 2025

Ravindra Deviprasad Jaiswal

Vs.

Buldhana Urban Co-operative Credit Society, Ltd., Buldhana
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Radhika G. Bajaj, Advocate for the applicant.

Mr. Gopal S. Lahoti, Advocate for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/01/2026

1. By this application, the applicant is challenging the condition imposed by the trial Court while releasing the applicant on bail in SCC No.1011/2013 directing the applicant to deposit the cash surety equivalent to the cheque amount.

2. Heard learned counsel for the applicant, who submitted that the applicant is prosecuted on the basis of the complaint filed by the non-applicant under Section 138 of the Negotiable Instruments Act. The learned trial Court has taken cognizance and issued the summons. However, the summons was never served on the present applicant and directly bailable warrant was issued against him. The bailable warrant is also never served on the present applicant and thereafter, the proclamation was issued. The applicant was never served with the summons and

despite non-service, the proclamation was issued therefore, applicant himself approached to the Court for seeking the bail. However, the trial Court without considering the fact that the notice is not served, directed the present applicant to furnish cash surety of the cheque amount to be deposited in the Court and warrant is issued on that condition.

3. The said application is strongly opposed by the learned counsel for the non-applicant, on the ground that the observation of the trial Court itself shows that for ten years the applicant was absconding and by observing the same, the said condition was imposed. In view of that, the application deserves to be rejected.

4. Learned counsel for the applicant placed reliance on the decision of the Hon'ble Apex Court in the case of **Sumit Mehta Vs. State (NCT of Delhi)** reported in **(2013) 15 SCC 570** and it is held that while considering the anticipatory bail, "Any condition", a condition which is not reasonable, cannot be imposed on the accused. The object of permitting conditional anticipatory bail is to ensure fair and uninterrupted investigation and trial. Any condition which departs from this object is not permissible but Court should exercise its discretion with utmost caution.

5. In view of the observation of the Hon'ble Apex Court and considering the order passed by the learned trial Court as well as the roznama, it shows that the summons was never served on the present applicant and directly bailable warrant was issued therefore, the learned trial Court has to consider while releasing the applicant on bail, he has to put the conditions which are reasonable and not onerous and fulfilled the object of imposing condition having regarding to the facts and circumstances of the case. Considering the trial Court has ignored the said legal position and cancelled the warrant by imposing said condition is erroneous therefore, the said order deserves to be quashed and set aside. In view of that, the applicant shall be released on bail on executing PR bond of Rs.25,000/- with one solvent surety of the like amount.

6. The applicant shall attend the proceeding on every date without seeking any exemption unless there are exceptional circumstances.

7. The applicant shall also co-operate with the trial Court to dispose of the trial and the trial Court shall keep the matter on day-to-day basis, considering pending since last 10 years and shall dispose of it at the earliest.

(4)

149.apl.1768.2025

8. A single failure of the applicant to co-operate with the trial would lead to the cancellation of bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate