

ORDER BELOW EXH. 38 IN S.C.C. 56/2022

Ramchand Jayram Deshmukh Vs. Arvind Madhorao Nagdeve

(Date – 06/05/2026)

This is an application by accused for bail under section 436 of the Code of Criminal Procedure, 1973. The accused is charged with offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2. The accused has filed the present application seeking release on bail, submitting that he has been falsely implicated in the present case. It is contended that the offence alleged is bailable in nature. The accused had initially appeared before this Court on his own and was granted bail. However, due to his absence on subsequent dates, a non-bailable warrant came to be issued against him, and he has now been arrested in execution of the said warrant. At present, he is in judicial custody. His statement under Section 313(1)(b) of the Code of Criminal Procedure, 1973 has already been recorded, and the matter is now fixed for final arguments. It is further submitted on behalf of the accused that he is an aged person, suffering from paralysis, and is a retired individual.

According to him, he is the sole earning member of his family, and his continued detention would cause severe hardship to his dependents. It is contended that his absence was not intentional, and he undertakes to remain present before the Court on all future dates and comply with any conditions imposed. It is also submitted that as the case is now posted for final arguments, his further custodial detention is not necessary.

3. Per contra, the learned advocate for the complainant has strongly opposed the application. It is argued that the accused has repeatedly absconded during the course of trial, resulting in delay of proceedings. Despite the matter being fixed for recording of statement under Section 313 CrPC since 2025, the accused deliberately remained absent, compelling the Court to issue non-bailable warrants on several occasions. It is further contended that the accused had fled to Delhi without informing the Court, and there is a strong likelihood that he may again abscond if released on bail, thereby causing further delay in disposal of the case. Hence, rejection of the application is prayed.

4. Heard the learned advocates for both parties. Perused the record and proceedings.

5. The present complaint (Exh-1) has been filed under Section 138 of the Negotiable Instruments Act, 1881 on 24/02/2022. The accused appeared before this Court on 07/09/2022 and was granted bail, subject to the condition that he would remain present on all dates of hearing. Thereafter, the plea of the accused was recorded, and he pleaded not guilty. The complainant filed his affidavit-in-chief on 08/02/2023. The cross-examination of the complainant commenced on 05/04/2023 and was completed on 19/11/2025. The complainant closed his evidence on 03/12/2025. Thereafter, the matter was fixed for recording of the statement of the accused under Section 313 CrPC.

6. Upon perusal of the record, it is evident that the accused remained absent on several occasions during the trial. Non-bailable warrants were issued multiple times due to his continued absence. Despite issuance of such warrants, the accused could not be secured for a considerable period, as he had left for Delhi without prior permission of the Court or intimation. This conduct clearly reflects a

disregard for the judicial process and the conditions of bail earlier granted to him.

7. It is noteworthy that even when the matter had reached an advanced stage, specifically for recording of statement under Section 313 CrPC, the accused chose to remain absent. Such conduct cannot be lightly ignored, as it has contributed significantly to the delay in the trial. The case is already more than five years old, and any further delay would defeat the very purpose of expeditious justice.

8. Though the offence under Section 138 of the Negotiable Instruments Act is bailable, the conduct of the accused is a relevant consideration while deciding a subsequent bail application. The repeated absence of the accused, non-compliance with bail conditions, and his act of leaving the jurisdiction of the Court without permission raise a reasonable apprehension that he may again abscond if released on bail.

9. The statement of the accused under Section 313 CrPC has now been recorded on 05/05/2026, and the matter is fixed for final arguments. At this crucial stage, ensuring the presence of the

accused is essential for the effective and expeditious disposal of the case. Given his past conduct, there exists a strong likelihood that he may again evade the process of law if released.

10. While the Court is mindful of the submissions regarding the age and medical condition of the accused, no sufficient material has been placed on record to establish that his health condition is so severe that it cannot be managed within the judicial custody system. Moreover, these factors cannot outweigh the consistent conduct of evasion exhibited by the accused.

11. In view of the above facts and circumstances, this Court is of the considered opinion that it would not be appropriate to release the accused on bail at this stage, as there is a substantial risk of his absconding and causing further delay in the proceedings.

Hence the Order -

ORDER

The bail application is rejected.

Date— 06/05/2026

(P.M. Kajale)

Place – Sadak/ Arjuni.

Judicial Magistrate First Class,
Sadak/Arjuni.

दाखला

दाखला देण्यात येतो की, सदर पी.डी.एफ. फाईलमधील मजकुर हा मुळ आदेश/न्यायनिर्णयाप्रमाणेच आहे.

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| लघुलेखकाचे नाव | - | राहुल दिगंबर भुजाडे लघुलेखक (श्रेणी-३), |
| न्यायालयाचे नाव आदेश/न्यायनिर्णय जाहीर केल्याचा दिनांक | - | दिवाणी व फौजदारी न्यायालय, सडक अर्जुनी, ०६.०५.२०२६ |
| मा. पिठासिन अधिकारी यांनी स्वाक्षरी केल्याचा दिनांक | - | ०६.०५.२०२६ |
| आदेश/न्यायनिर्णय अपलोड केल्याचा दिनांक | - | ०६.०५.२०२६ |