



Dhiraj Chandrakant Shitole
Vs.
State of Maharashtra & Anr.

ORDER BELOW EXH.1

Accused-Dhiraj Chandrakant Shitole has filed this application to release him on regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), in S.C.C. No. 475/2023, for offence punishable under Section 138 of the Negotiable Instruments Act (for short 'N.I.Act').

2. Heard Ld. Advocate for accused, Ld. APP for State-respondent no.1 and Ld. Advocate for respondent No.2 being original complainant. Perused the documents placed on record.

3. It is contended that respondent No.2-Swati Nilesh Sawant has filed complaint being S.C.C. No. 475/2023, under Section 138 of N.I. Act against the applicant-accused, as the cheque alleged to have been issued by him in respect of repayment of amount was dishonoured. In the said matter, accused remained absent, therefore, N.B.W. was issued against him. Accordingly, on N.B.W. accused was arrested and taken in M.C.R. Thereafter, accused filed bail application below Ex. 30, before Ld. Magistrate, which was rejected on 27.02.2026. Therefore, jurisdiction of this Court is invoked to release the accused on bail, being in custody.

4. Learned Advocate for applicant-accused submitted that offence alleged in the complaint before Ld. Magistrate is not punishable for more than seven years, and that looking to the nature of offence, accused may be released subject to conditions. Case is a private complaint case under Section 138 of N.I. Act and offence is bailable one. Accused will attend Court regularly.

5. Respondent No.2-complainant opposed the application on the ground that accused cheated her and issued cheque towards refund of amount, which was dishonoured. If he is released on bail, he may

pressurize her and witnesses and may tamper evidence. She submitted to reject the application. Ld. APP for State-Respondent No. 1 submitted to pass suitable order.

6. Applicant-accused appears to have been arrested after executing N.B.W. He was produced before Ld. Magistrate. He applied for bail. However, it came to be rejected by Ld. Magistrate observing that the accused failed to file say on application under Section 143A of N.I.Act on 10.12.2024, which was decided on 09.01.2026, in absence of accused. Earlier, NBW was issued against the accused which was cancelled, and then again on 06.06.2025, NBW was ordered. The accused was produced on 27.02.2026. Ld. Magistrate rejected his application to release on bail holding that matter under Section 138 of N.I. Act shall be decided expeditiously, and that accused will not remain present.

7. It appears that due to default of accused in appearance, the N.B.W. was issued and he was arrested, and then sent by Ld. Magistrate to magisterial custody. Though the offence is bailable, accused committed default in appearing before the Court at the stage of hearing. Complainant in the say has objected mainly on the ground that the matter was prolonged due to absence of accused, and that he will not co-operate in proceeding with the case. Perusal of copy of *Roznamas* of Ld. Trial Court would show that the case was instituted on 20.03.2023, in which after recording verification of complainant, process was issued on 14.09.2023. Accused appeared and furnished Bond on 26.02.2024, however, due to his default in appearance, warrant was issued on 12.06.2024, which was cancelled on the next date 29.08.2024. On the *pursis* filed by complainant, the matter was referred for mediation. Thereafter, due to absence of accused, warrant was issued on 06.06.2025, and he was arrested and sent to Magisterial Custody whose bail application was rejected by Ld Trial Court on 27.02.2026. Thus, there appears to be default on the part of accused, as a result of which, the NBW was issued on 06.06.2025. In such set of facts and

circumstances, looking to the punishment provided for the offence triable by Ld. Magistrate, custody of the accused being not necessary as he may be directed to furnish surety and abide by the conditions, he may be released on bail subject to conditions. Hence, the following order:

ORDER

1. Application is hereby allowed.
2. Applicant/accused-Dhiraj Chandrakant Shitole, shall be released on regular bail in S.C.C. No.475/2023, on his executing P.R. Bond in the sum of Rs. 50,000/- and a Surety in the like sum.
3. The accused shall furnish his address where he is residing and/or carrying on business, and shall inform the Trial Court any change therein.
4. Accused shall attend the Court on each date without committing default therein.
5. The trial in the offence is expedited, and both the sides shall cooperate in disposing of the case.
6. Inform Ld. Trial Court accordingly.
7. Bail before Ld. Magistrate.

Date :- 07.03.2026

(V. C. Barde)
Addl. Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer : V.B.Lalsangi
Stenographer (G-1)

Court Name : Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 07.03.2026

Order signed by
Presiding Officer : 07.03.2026

Order uploaded on : 07.03.2026