

: ORDER BELOW EXH.18 IN CRIMINAL APPEAL NO.1/2023 :
(Passed on 10.04.2025)

1) The present application is filed by the applicant/appellant under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for releasing him on regular bail.

2) The applicant contended that he has been convicted by the Ld. Trial Court for the offence punishable under section 138 of Negotiable Instruments Act. He has filed the present appeal against the Judgment & Order of the Ld. Trial Court. This Court had released him on regular bail on the condition that he shall deposit an amount of Rs.74,000/- in the Court. He has deposited an amount of Rs.49,000/- in the Court. But due to financial difficulty he was not able to deposit the remaining amount.

3) He further contended that he could not furnish the surety as he was arrested in another case. This Court had issued Non-Bailable Warrant against him. On 23.01.2025 he filed an application for cancellation of Non-Bailable Warrant. This Court had rejected the application and had taken him in Judicial Custody. He further contended that he is ready & willing to furnish surety. He prayed that he may be released on regular bail.

4) The respondent gave their say and opposed the application. They contended that even after releasing the

applicant on regular bail, he had not furnished the surety. Therefore if he is again released on bail, there are chances that he may abscond and delay the hearing of appeal. They prayed that application be rejected.

5) Heard Ld. Advocates appearing for parties.

6) On perusal of material, available on record, it appears that on 07.01.2023 the applicant was released on bail on the condition that he shall execute P.B. & S.B. to the sum of Rs.25,000/- and deposit an amount of Rs.74,000/- out of the compensation amount of Rs.1,74,000/-. The record shows that the applicant had filed an application seeking time to furnish surety. The said application was allowed and the applicant was released on his Personal Bond. Thereafter, the applicant had deposited an amount of Rs.49,000/-. The applicant, till the date he was taken in custody, had not furnished the surety. The material shows that for about 2 years, the applicant had not furnished the surety and had not complied the order of this Court. The material further shows that the applicant also had not complied the order of depositing the compensation amount in the Court and thereafter the applicant was remaining absent in the matter. The material shows that the matter is prolonged due to non-compliance of order on the part of applicant as well as his absence. Therefore, if the applicant is released on regular bail, there are chances that he may again abscond and prolong the

trial. The applicant has not obeyed the earlier bail order. Therefore, the applicant is not entitled to the discretionary relief of bail. Hence, I proceed to pass following order :-

: ORDER :

- 1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 10.04.2025.

(H. K. Bhalerao)
Additional Sessions Judge,
Mangaon-Raigad