

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

CRIMINAL APPLICATION NO. 5817 OF 2015

Vishnu s/o Ashok Satale,

Age : 41 years, Occu. Agriculture,

R/o. Galnimbh, Tq. Gangapur,

Dist. Aurangabad.

... Applicant

VERSUS

The State of Maharashtra.

... Respondent

.....

Mr R. L. Kute, Advocate for the applicant

Mr A. R. Kale, Advocate for respondent.

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CORAM : **INDIRA K. JAIN, J.**

DATE : **2ND DECEMBER, 2015.**

PER COURT:

. Here is an application for pre-arrest bail in Crime No. 0207 of 2015 registered at Waluj Police Station, Tq. Gangapur, Dist. Aurangabad for the offences punishable under Sections 279, 304-A of the Indian Penal Code and Section 134 of the Motor Vehicles Act.

2. Heard Mr R. L. Kute, learned counsel for applicant and Mr A. R. Kale, learned APP for respondent/State. Perused papers of investigation.

3. On 10.10.2015 accident occurred near Jikthan Phata on Aurangabad-Ahmednagar road. It was reported to Police Station Waluj by Police Naik Shaikh Afsar Shaikh Yunus who was on patrolling duty with other Police officers at the time of accident. Truck involved in the accident dashed to the police vehicle and Police Constable Jogdand died.

4. Applicant is the owner of offending Truck. It appears from the police papers that applicant was not present at the time of accident. He was not driving the vehicle. He was also not in the vehicle.

5. Considering the allegations in FIR and the police papers *prima facie* involvement of applicant in the alleged commission of offences appears to be doubtful. Custodial interrogation of applicant is not necessary. Application therefore deserves to be allowed. Hence the following order.

ORDER

- (i) Criminal Application No. 5817 of 2015 is allowed.
- (ii) In the event of arrest of applicant Vishnu s/o Ashok Satale in Crime No. 0207 of 2015 registered at Waluj Police Station, Tq. Gangapur, Dist. Aurangabad for the offence punishable under Sections 279, 304-A of the Indian Penal Code and Section 134 of the Motor Vehicles Act, he be released on his furnishing PR and SB of Rs. 25,000/- (Rupees Twenty Five Thousand) each.
- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required by the Investigating Agency.

[INDIRA K. JAIN]
JUDGE

sgp