

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 165 OF 2015

Dhamraj Ramkir Yadav

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kalpesh Patil for Applicant

Mr. D. P. Adsule APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 16, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 13/12/2014 in crime no. 45 of 2014 registered at Talbid Police Station for offence punishable under sections, 304, 279, 337, 338, 427 of Indian Penal Code and section 184, 134, 187 of Motor Vehicle Act.

2) It is the case of prosecution that on 06/12/2014, Ramesh Mali, driver of tempo traveller bearing no. MH 14 P 8087 lodged a report at the police station that on 06/12/2014, he had carried 15 passengers from Ichalkaranji to Narayanpur Shirdi. When he was on Pune-Bangalore highway, some of the

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passengers wanted to answer nature's call and therefore, they had requested him to park the vehicle. They had alighted from the vehicle to answer the nature's call. At about 4.30 am, tanker bearing no. GJ-23-X-6165 had given a dash to the vehicle. Passengers who were in the vehicle had sustained injuries and 5 persons had died in the said accident.

3) Learned counsel for the applicant submits that it is an accident. Applicant had not committed the act deliberately. It was early hours of the morning and he had lost the control.

4) It is true that 5 persons had died in the accident. Investigation is completed and charge-sheet is filed. All the offences alleged against present applicant are bailable offences. In view of this applicant has made out prima facie case for grant of bail.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

- (iii) Applicant shall report to Talbid Police Station on every alternative Sunday between 10.00 am to 12.00 noon.
- (iv) Applicant shall surrender his driving license to the Investigating Officer, soon after he is enlarged on bail. Applicant shall give is permanent address, cellphone/landline number to the Investigating Officer.
- (v) Upon breach to attend any 3 consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (vi) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)