

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.919 OF 2015

Jatin Avinash Patil .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.S.V.Marwadi i/b.Mr.K.S.Garg, Advocate, for
the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
I-76 of 2015 registered with the Palghar Police
Station, District-Palghar, for the alleged
offences punishable under Sections 304A, 279,
337, 338 & 427 of the Indian Penal Code, 1870
and under Sections 184 & 187 of the M.V.Act.

Subsequently, after investigation, Section 379 of the Indian Penal Code, Section 15 of the Environment Protection Act and under Section 48(7) of the Maharashtra Land Revenue Code came to be added.

3. The complainant Shivaji Chandrakant Thakur has alleged that on 29.05.2015 at about 11.15 p.m., he received a call informing that a truck carrying sand had dashed a motor cycle driven by his cousin Pramod Thakur and that Pramod Thakur and Tanmay Kini, riding pillion were injured in the accident. He has alleged the truck was being driven in a rash and negligent manner, on the wrong side. In the said incident, due to the dash to the motor cycle Pramod Thakur died on the spot and Tanmay Kini sustained grievous injuries. Pursuant to the said incident, a complaint was lodged with the Palghar Police Station by Shivaji Thakur

alleging the aforesaid offences. In the course of investigation, it was revealed that the truck which was involved in the accident belonged to the present applicant and that he was the owner of the said truck. It also transpired that the truck at the relevant time, was transporting sand without permission. Pursuant thereto, Section 379 of the Indian Penal Code and other relevant sections came to be added.

4. Learned counsel for the applicant contended that the applicant though the owner of the truck, was not connected nor concerned with the sand that was found in the said truck. He submitted that the applicant was not present at the spot at the time of the alleged incident.

5. Learned APP opposed the Bail Application. She submitted that during the course of investigation, police found one

register and that the entries made therein, show that the applicant had previously supplied sand and stones etc.. On being questioned, learned APP states that the applicant has no antecedents.

6. Perused the papers and the Affidavit filed by Dipak R. Salunke, API attached to the Palghar Police Station. Admittedly, the applicant was not present at the time of the incident and the sand which was being transported illegally has been seized. There is no dispute regarding the ownership of the truck. The register has been seized and is in the custody of the police. The illegal sand has been seized and there is nothing to be recovered from the applicant. The applicant has no antecedents.

7. Considering the nature of allegations and the material on record, the applicant is

granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Palghar Police Station, District-Palghar on the first Saturday of every month between 10.00 a.m. to 11.00 a.m. for a period of 12 months from the date of filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number at the earliest and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the

Investigating Officer of the concerned Police Station.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.