

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

**CRIMINAL BAIL APPLICATION NO. 2324 OF 2016**

Ankush Nanasaheb Nalage. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

**WITH  
CRIMINAL APPLICATION NO. 1046 OF 2016  
IN  
CRIMINAL BAIL APPLICATION NO. 2324 OF 2016**

Smt. Rajashri Ashok Sangle. ... Intervenor.

**IN THE MATTER BETWEEN**  
Ankush Nanasaheb Nalage. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

**WITH  
CRIMINAL BAIL APPLICATION NO. 2317 OF 2016**

Navnath Khandu Girme. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

**WITH  
CRIMINAL APPLICATION NO. 1046 OF 2016  
IN  
CRIMINAL BAIL APPLICATION NO. 2317 OF 2016**

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**IN THE MATTER BETWEEN**  
Navnath Khandu Girme. ... Applicant.

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427 of the Indian Penal Code and section 184, 134/177 of the Motor Vehicle Act. The investigation is in progress.

3 It appears that original accused Khandu Girme, Navnath Girme, Sanjay Girme, Revnath Girme and Subhadrabai Girme have filed Criminal Application No. 1405 of 2016 seeking the relief of quashing of FIR. That by order dated 2/12/2016, the Hon'ble Division Bench of this Court has passed an order - "No coercive steps should be taken in the mean while." The investigating agency has interpreted the said relief as stay to investigation and therefore, the investigation is stalled.

4 The learned APP has submitted that he would circulate the matter before the Hon'ble Division Bench seeking clarification of the order dated 2/12/2016. This Court is of the view that it does not indicate that the investigation is stalled.

5 Be that as it may, this Court was of the opinion that the applications seeking enlargement on bail filed by the applicants need to be adjourned, as the investigation is in progress.

6 On application filed by the widow of Ashok Sangle i.e. Smt. Rajashri Sangle, Section 302 of the Indian Penal code has been added. As on today, the learned Counsel for the applicant in BA 2324/16 does not have the statement of Smt. Rajashri Sangle, on the basis of which the investigating agency has added Section 302 of the Indian Penal Code and therefore, the learned Counsel has placed implicit reliance upon the affidavit filed by the widow of Ashok Sangle at the time of hearing of the bail application of the present applicant.

7 According to the learned Counsel for the applicant in BA 2324/16, the truck which was involved in the present case is owned by the present applicant and that he is neither related to Girme family nor to Sangle family. He is also not related to Sandeep

Sonawane. According to the learned Counsel, there was an accident, in which Ashok Sangle has expired and that the truck was being driven by his driver Kishor Chavan, who had absconded from the scene of offence soon after the incident. The learned Counsel was not aware of either the identity of the driver, or the fact that he has been arrested on 21/11/2016 and is in Magisterial custody, since the charge-sheet is not filed. According to the learned Counsel, there were civil disputes between Girme, Sonawane and the family of the deceased Ashok Sangle and therefore, the applicant deserves to be enlarged on bail.

8 The learned Counsel for the applicant in BA 2324/16 has further submitted that the applicant hails from Nagar district, whereas the accident has taken place in the jurisdiction of Daund Police Station.

9 Once section 302 of the Indian Penal Code is added, it would not be possible to decide the application seeking enlargement on bail

without perusing papers of investigation and unfortunately in the present case, the investigation has been stalled due to mis-interpretation of the order passed by the Division Bench. Hence, it would not be appropriate to decide these applications at this stage. The Court was of the opinion that the investigation should proceed and on the next date, the applications could be decided on merits and the involvement of the applicant also could be ascertained. However, the learned Counsel for the applicant in BA 2324/16 insisted upon this Court to hear the application bearing BA 2324/16. Hence, the Criminal Bail Application No. 2324/16 stands rejected and disposed of accordingly.

11 Intervention application bearing Criminal Application No. 1046 of 2016 is allowed and disposed of accordingly.

12 As far as the Criminal Bail Application No. 2317 of 2016 is concerned, the learned APP shall produce the papers of investigation. Stand over to 22/1/2017.

13 The learned APP has submitted that it is not stated in the present application that the application seeking quashing of FIR has been filed. The learned Counsel for the applicant has submitted a clarification that application seeking quashing of FIR has been filed subsequent to the filing of the application under section 439 of the Code of Criminal Procedure. The applicant was arrested. There was a prayer that no coercive steps be taken against the original accused. The learned Counsel for the applicant shall clarify the same by amending the application bearing BA No. 2317/16. Leave to add/amend.

14 The Criminal Bail Application No. 2324/16 stands rejected and disposed of accordingly. Intervention application is also disposed of accordingly. The Criminal Bail Application No. 2317/16 alongwith intervention application is adjourned to 22/1/2017.

**(SMT. SADHANA S. JADHAV,J)**