

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1947 of 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Ajinkya Pokharkar i/by Sartaj Shaikh for the applicant.
Smt. V.S.Mhaispurkar, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 24th February, 2016

P.C.

1) The applicant is apprehending arrest in C.R. No. 604/2015 dated 26.9.2015 registered with Bandra Police Station for the offence punishable under sections 279, 338, 304-A of the IPC read with section 184 of the Motor Vehicles Act. The First Information Report (FIR) is lodged by Uday Kisan Dhumale, Police Head Constable, attached to Bandra Police Station, Mumbai. In the said report, it is specifically stated that after the said officer made enquiry with the present applicant about the serious injuries received to the pillion rider, namely Kunal Yadav, the present applicant informed that at about 3:00 a.m., they had been to a stroll on the motorcycle, the applicant lost the control from the motor cycle and had dashed the left side of the bridge. Due to the said dash, the pillion rider fell down

from the said bridge and sustained serious injuries. The informant has also stated that the applicant was admitted to Bhaba Hospital for the injuries suffered by him and at that time he was enquired by the police. A bare perusal of the FIR discloses that the present crime is a case of an accident and there was no intention at the behest of the applicant to commit an offence under section 304-A of the IPC. In view of the same, I am of the opinion that the custodial interrogation of the applicant is not necessary. The applicant has made out a case for his release on pre-arrest bail.

Hence, the following order:

- a) In the event of arrest of the applicant in CR No. 604/2015 dated 26.9.2015 registered with Bandra Police Station, the applicant shall be released on his furnishing a P.R.bond of Rs.25,000/- with one or two local solvent sureties in the like amount;
- b) The applicant shall attend the Investigating Officer as and when called for between 11:00 a.m. to 1:00 p.m. till filing of the charge-sheet. It is needless to mention that before calling the applicant to the police station, the concerned police officer shall issue a notice under section 160 of Cr.PC;
- c) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)