

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 112 OF 2018

**SALIM MOHAMMAD ALI, PRESENTLY IN
JUDICIAL CUSTODY AT MODERN JAIL
COLVALE.,**

... Applicant

Versus

**STATE OF GOA, THR. POLICE
INSPECTOR ATTACHED TO PANAJI
POLICE STATION, PANAJI AND ANR.,**

... Respondents

Shri Shivan Desai, Advocate for the Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 18th April 2018

P.C.

This is an application for bail.

2. The applicant is working as a Driver, in a private employment. There was an accident, which had happened on 17.02.2018 at the KTC Bus Stand, in which, while the applicant was taking the bus in the reverse direction, had dashed against four persons, out of which, two succumbed and two were injured.

3. An FIR came to be registered against the applicant under Sections 279, 337, 338 and 304 part II of IPC. The investigation is complete and the chargesheet is already filed. Normally, in a

case of an accident, the offence would be one under Section 304A of IPC. However, in the present case, the question is about the knowledge and whether, the offence would amount to a culpable homicide not amounting to murder, falling under Section 304 part II of IPC. It is neither necessary nor appropriate, at this stage, to go into this aspect, which will have to be gone into, at the stage of trial. The applicant is in custody from 17.02.2018. The offence under Section 304 part II is punishable upto ten years imprisonment.

4. Considering the overall circumstances and the fact that the investigation is complete and the chargesheet is already filed, I find that discretion can be exercised in favour of the applicant, subject to conditions. Hence, the following order is passed:

O R D E R

- (a) The applicant shall be released on bail on execution of a P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (b) The applicant shall undertake to remain present before the learned Sessions Judge, during the course of the trial.
- (c) The applicant shall not tamper with the prosecution witness or evidence.
- (d) Bail Bonds to be furnished before the learned Sessions Judge.

5. The Criminal Application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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