

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2750 OF 2017***

Krishna Narsing Kiratwad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Nikam i/b. Mr. Aashish Satpute, for the applicant.

Ms. Veera Shinde, APP, for the State.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 5th January, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 3.7.2017 in Crime No.489 of 2017 registered at Lonikand Police Station, Pune for the offences punishable under Sections 304(2), 337, 338, 427 of the Indian Penal Code and Sections 184, 134 read with Section 177 of the Motor Vehicles Act. The investigation is completed and charge-sheet is filed for the offence punishable under Section 304(II) of the Indian Penal Code.

2. It is the case of the prosecution that on 3.7.2017, one Sharad Sandge working with C.M.C Times Pvt.Ltd. lodged a report at the police

station on 2.7.2017 in the morning at 7 a.m. They were travelling to Sonai, Taluka Newasa to attend the marriage function. They had hired a Mini bus bearing registration No. MH-14-CW-9198. When they were passing through Village Lonikand and proceeding in front of Rahim Petrol Pump, a water tanker which was bearing registration No. MH-12-HD-5782 had crossed the divider and bumped into the Mini Bus. It was an accident. That 7 persons who were travelling in Mini Bus had died on the spot. That Jayesh Mehta had sustained minor injury. He had given the number of the water tanker and the name of the applicant as the person who was driving the said water tank. The applicant was arrested on the same day. He was subjected to Intoxication Test and it was found that at the relevant time the applicant was not under the influence of alcohol and he was not in an intoxicated state of mind. The medical inspection report of the water tanker bearing registration No. MH-12-HD-5782 shows that the brake lights and other lights were functional. The vehicle was properly maintained. The vehicle did not have tinted glass. The water tanker was also damaged. The medical inspection report of the Mini Bus No. MH-14-CW-9198 would show that the brake lights and other lights were in damaged condition

3. It appears from the report that there was a slope at the location,

where the accident had occurred .

4. The learned counsel for the applicant submits that it cannot be said that the applicant had deliberately pumped into the mini bus. After all it was an accident. The applicant has been in custody since 3.7.2017. The investigation is completed and charge sheet is filed. In view of the above facts, the applicant deserves to be enlarged on bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to Lonikand Police Station on first and third Sunday of each month till framing of charge. Upon failure to attend on two consecutive dates, the prosecution will be at liberty to file an application under Section 439 sub-clause (2) of Cr.P.C.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)