

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

ANTICIPATORY BAIL APPLICATION NO. 1261 OF 2019

Dhondibhau Maruti Mutake	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sanjiv P. Kadam I/b. Mr. Tushar N. Sonawane, Advocate for Applicant.

Ms. S. S. Kaushik, APP for the State/Respondent.

Mr. Vikram Pasalkar, PSI, Chakan Police Station present.

CORAM :SARANG V. KOTWAL, J.
DATE :17th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 847 of 2018 registered with Chakan Police Station, Pune, under sections 279, 337 and 338 of the Indian Penal Code and under sections 184, 134(B), 177 of the Motor Vehicles Act, 1988. Subsequently, the offence U/s.304(II) of IPC is also added.

2. The case of the prosecution is that the first informant's uncle and grand father met with an accident because of a speeding

car. The case of the prosecution is that the car belongs to the present applicant. Initially one Vijay Mutake who was driving the car at high speed, was arrested. Initially, the prosecution case was that the car was driven by the said accused. The driver was released on bail. After his release in October 2018, nearly about six months thereafter the present applicant was called by the police officer. There are allegations against the present applicant that he himself was driving the car and his driver was made a scapegoat at his behest.

3. Ld. Counsel appearing for the applicant submits that he is not the owner of the vehicle, but his son is the owner of the vehicle. According to the applicant, he was not driving the car. Though the prosecution case is that the phone record of the applicant shows that he had travelled on the same road at the same time ; according to the applicant, he travelled in a different Scorpio Car.

4. On 13/06/2019 this court had mentioned in the order that the Investigating Officer had sought time to verify the CCTV

footage in the area to check as to whether the applicant had travelled on the same road in a different vehicle. Because, according to the prosecution case, the CDR of the original arrested accused shows that he was not present in the vicinity when the incident had taken place. By the same order dated 13/06/2019 the applicant was granted interim protection and time was granted to the I.O. to produce any relevant material showing complicity of the present applicant in this crime. However, thereafter there is nothing brought on record for my perusal to suggest that the applicant was involved in the said offence. Therefore, at this stage, the custodial interrogation of the applicant is not justified. However, the investigation can still go on and the applicant will have to co-operate with the investigation. In this view of the matter, the application is disposed of with the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 847 of 2018 registered with Chakan Police Station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five

Thousand Only) with one or two sureties in the like amount.

- (ii) The applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)