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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1600 OF 2021

SACHIN PRIYAVADAN VAKIL

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. H. S. Venegavkar i/b Tejas V. Dhotre advocate for the Applicant
Mr. A. R. Kapadnis APP for the State
Mr. Tanaji Patil, PSI Vanrai Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: 28th OCTOBER, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 23/2021 registered with Police Station for offence punishable under Sections 304, 279 of the Indian Penal Code.

2] Case of the prosecution is, while driving the vehicle in negligent and rash manner, under the influence of liquor, the applicant has caused death of two labours.

3] Learned counsel for the applicant Mr. Venegaonkar while trying to make out a case for bail would urge that applicant so as to show bonafides shall deposit with the Registrar of this Court an amount of Rs. 14 Lakhs through demand draft no. "080031" drawn on Axis bank. He would further claim that let the aforesaid amount be made to the Sessions Court wherein prosecution is pending i.e. Sessions Case No. 311/2021, so as to disburse the same to the family of deceased persons.

4] It is further claimed that there are no criminal antecedents against the applicant. Mr. Venegaonkar on instructions would urge that aforesaid amount of Rs. 14 Lakhs can be disbursed in favour of family of deceased i.e. Rs. 7 Lakhs each and applicant shall not be claiming any equities out of the same. It is further claimed by the counsel that applicant is very much available to face prosecution and as such, he is entitled to be released on bail.

5] Learned APP, in response to court's query informs that trial in

the matter is likely to take sometime as there is substantial pendency.

6] Considered submissions.

7] Applicant has shown his bonafides as is reflected in the aforesaid paragraphs. Applicant was subjected to investigation and is accordingly charge-sheeted. Applicants have deep roots in the society and is available to face the prosecution and there is hardly any likelihood that he will abscond.

8] Proposal given by the learned counsel for the applicant that out of the amount of Rs. 14 Lakhs deposited in this Court in the present proceedings, Rs. 7 Lakhs would be disbursed in favour of family of each deceased person is accepted as one of the conditions for his release. As such, application is allowed.

(i) Applicant be released on bail in C.R. No. 23/2021 registered with Police Station for offence punishable under Sections 304, 279 of the Indian Penal Code

upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) Consecutive absence of the applicant on two dates before the trial will entail the trial court and/or prosecution to take out proceedings for cancellation of bail of the applicant.

(iv) Amount of Rs. 14 Lakhs deposited in this Court shall be remitted back to the Sessions Court in the pending trial.

(v) Sessions Court with the help of investigating officer shall ensure disbursement of amount of Rs. 7 Lakhs to each of the family of deceased apportionment of which shall be permitted in accordance with law governing the disbursement for dealing with compensation award under the Motor Vehicles Act.

9] Application stands disposed of.

[NITIN W. SAMBRE, J.]