

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

CRIMINAL BAIL APPLICATION NO.2851 OF 2021

Ramkumar @Rajkumar Purnamasi Patel ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. J. B. Mishra i/b Mr. Abhishek R. Mishra, for the Applicant.

Mr. A. A. Palkar, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No.6 of 2018 registered with the Jejuri Police Station, Pune, for the alleged offences punishable under Sections 304(2), 279, 337, 338, 427 of the Indian Penal Code and under Sections 184 and 185 of the Motor Vehicles Act.

3. Perused the papers. According to the prosecution, the incident took place on 14th January 2018. It appears that 24 persons including the complainant had been to Jejuri for the darshan of Lord Khandoba in a

tractor with a trolley driven by one Gorakh Giri. 26 persons were travelling in the said tractor and trolley. While returning back at about 7:30 p.m. a tanker coming from the Nira side dashed into the trolley, as a result of which, the trolley separated from the tractor and tilted. In the said incident, 2 persons travelling in the trolley died on the spot and others were injured. It appears that a person who was coming behind the trolley on a motorcycle also rammed into the trolley and sustained injuries. Two more persons who were injured in the said accident, subsequently succumbed to their injuries. It is the prosecution case, that the applicant was driving the tanker under the influence of alcohol, which resulted in the accident. Admittedly, in the said incident, the applicant also sustained injuries and was taken in the hospital. It appears that in the said incident, the applicant lost 4 toes and the medical report stated “Amputated Right foot fingers, some fractures and injury to the right eye”.

4. Learned Counsel for the applicant submits that pursuant to the incident, the applicant was admitted in the hospital as he had sustained grievous injuries and was permitted to go to his native place at Uttar Pradesh for medical treatment. He further submits that the applicant on completion of his medical treatment surrendered before the police and was arrested on 6th January 2021 and is in custody since then. According to the

learned counsel, the place where the incident took place was dark and foggy and there were insufficient light on the street, as a result of which the incident took place. He submits that in the said incident, the applicant had also sustained grievous injuries and was required to undertake medical treatment for the same, for several months.

5. Today, the learned counsel for the applicant has tendered an Undertaking of the applicant dated 28th September 2021, duly affirmed before the Superintendent, Yerwada Central Prison, wherein the applicant has undertaken not to leave the District – Pune, without the prior permission of the trial Court. The applicant has also undertaken to attend the trial and remain present before the trial Court. The said Undertaking is taken on record. Till date, trial has not commenced and charge has not been framed.

6. Considering the aforesaid and in particular, the Undertaking filed by the applicant, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., until further orders;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant shall not leave the jurisdiction of Pune District, without the prior permission of the trial Court;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.