

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.640 OF 2022

1. Bhimashankar s/o Karbasappa Talwar
2. Sanjiv s/o Shivputra Hugar ...Applicants

VERSUS

The State of Maharashtra ...Respondent

...

Mr. S.S. Gangakhedkar, Advocate for the applicants.

Mr. V.M. Kagne, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 30th JUNE, 2022.

PER COURT:-

1. Heard the learned counsel for the applicants and learned APP for the State.

2. Learned counsel for the applicants has vehemently argued that initially, the FIR was registered for the offence punishable under Section 302, 201 r/w 34 of the Indian Penal Code. The applicants have been arrested and still they are behind bar. However, subsequently the prosecution has filed the charge sheet against the applicants for the offence punishable under Section 279, 304-A of the Indian Penal Code r/w Section 184 of the Motor Vehicles Act. However, since the earlier bail applications of the applicants were rejected, they could not get bail from the Sessions Court. Presently, no serious charges have been levelled against the applicants.

Therefore, they may be released on bail.

3. Learned APP concedes that initially the offence of murder was registered against the applicants, but in the investigation it is transpired that it was a motor vehicular accident. However, there are complaints of beating to the deceased.

4. The cause of death mentioned by the Medical Officer is due to cardio-respiratory arrest due to haemorrhagic shock due to multiple injuries. The investigation transpired that it was merely a motor vehicle accident. Unfortunately, the applicants were charged with murder at the primary stage but fortunately enough, the investigation transpired the truth and the charge sheet for the offence punishable under Section 279, 304-A r/w 184 of the Motor Vehicle Act has been filed against them. In the light of this fact, it would be unjustifiable to keep the applicants behind bar. Hence, the following order :

ORDER

- I) The application is allowed.
- II) The applicants, (1) Bhimashankar s/o Karbasappa Talwar (2) Sanjiv s/o Shivputra Hugar be released on bail in Crime No.78/2021 registered with Omerga Police Station, District Osmanabad for the offence punishable under Section 302, 201 r/w 34 of the Indian Penal Code, on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) each with one or two solvent sureties in the like amount, on the

(3)

condition that they shall not tamper with the prosecution witnesses.

III) Bail before the Magistrate as it has been submitted that the case is not yet committed to the Sessions Court.

(S.G. MEHARE, J.)

Mujaheed//