

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

**INTERIM APPLICATION NO. 2746 OF 2022
IN
CRIMINAL APPEAL NO. 834 OF 2022**

Uttam Namdev Tate	..Appellant
Versus	
The State of Maharashtra	..Respondent

Mr. Ujwal Agandurve for Appellant.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd AUGUST 2022

PC :

1. The Applicant was convicted and sentenced by learned Additional Sessions Judge, Barshi, District Solapur vide his Judgment and order dated 26/07/2022 passed in Sessions Case No.76 of 2019. The Applicant was convicted for commission of offences punishable U/s.304(II) and 279 of IPC and U/s.184, 134(b) r/w. Section 187, 66(1) r/w. Section 192A, 192 and 181 of the Motor Vehicles Act. The maximum punishment imposed on him was for commission of offence punishable U/s.304(II) of IPC for three years.

2. Learned counsel for the Applicant submitted that, considering the short sentence and that the Appeal is not likely to be taken up for final hearing in near future, bail may be granted to him. On merits, he submitted that there is no material against the applicant as the eye witnesses have not identified him.

3. Learned APP opposed this application. She relied on the evidence of eye witnesses and also on the evidence of petrol pump employees. She contended that the applicant was driving the vehicle in high speed.

4. I have considered these submissions and I have perused the depositions of the witnesses. According to the eye witnesses, the incident had taken place when the two deceased persons were going on the motorcycle. That motorcyclist and the pillion rider got entangled with the chain attached to the truck causing the accident. The eye witnesses have not specifically seen the driver and they have not identified anybody i.e. the applicant or driver of that truck. The petrol pump employees' evidence will have to be examined. The appeal is not likely to be taken up for final hearing

in near future. Therefore, the Applicant deserves to be released on bail pending the hearing and final disposal of Appeal.

5. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.834 of 2022, the applicant is directed to be released on his executing P.R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Interim Application is disposed of.

(SARANG V. KOTWAL, J.)