

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2081 OF 2022

Pravin Savji Chaudhary	]	..	Applicant
vs.			
State of Maharashtra & NCB	]	..	Respondents

Mr.Harshad Bhadbhade a/w Pushpendrasingh Shekhawat and Arya S.,
for the Applicant.

Mr.S.V. Gavand, APP for the State.

Mr.Harshad Sathe i/b Siddharth Mehta for Respondent No.2.

API Amol Khode, Khadakpada Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 24TH AUGUST, 2022.

P.C.

1] Heard learned counsel for the parties.

2] The Applicant who is charged for the offences under Section 307 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act, seeks his release on bail. He came to be arrested on 04.03.2022 and is presently behind the bars.

3] The CR came to be registered on the complaint filed by one Minesh Patel alleging that while he was driving his Axtiva vehicle at 12.30 p.m. on 03.03.2022 at D.B. Chowk, Adharwadi circle, one white

colour Maruti WagonR overtook him and marched ahead. He was about to fall, but somehow saved himself. He chased the vehicle which was standing at the signal so as to question the driver of the said vehicle and asked him to take his vehicle aside. Instead of doing so, it is alleged that he drove the vehicle towards him and as a result of which he dashed against the bonnet and was dragged ahead 20-25 meters, and he fell on one side and the vehicle fled from the spot. He alleged that the incident resulted in abrasions and he also sustained injuries on the left side of his head.

These accusations resulted in invoking offence under Section 307 of the Indian Penal Code.

When the learned APP was asked to point out the injury certificate, he stated that the complainant did not report to the hospital and therefore no injury certificate is brought on record.

4] The complainant approached the Additional Sessions Judge and filed his Affidavit stating that the dispute was very trivial in nature and in fact was resolved on the very same day. He told the police that he never wanted to lodge any complaint, but despite this, the complaint was lodged. He made a statement that he did not sustain any grievous injury and he was not interested in proceeding with the matter.

Despite this Affidavit being placed on record, Additional Sessions Judge rejected the application by recording statements of witnesses who had stated that the accused tried to run over the complainant. Surprisingly, the complainant himself had denied this accusation.

5] In any case, offence under Section 307 of the Indian Penal Code is not made out and the complainant has clarified the position before the Sessions Court .

Hence, the Applicant deserves to be released on bail. It is also informed that the Applicant has also filed Writ Petition for quashing of the FIR in which the complainant has accorded his no objection.

In the wake of above, further incarceration of the Applicant is absolutely unwarranted.

6] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

(a) Application is allowed.

(b) Applicant – Pravin Savji Chaudhary shall be released on bail in connection with C.R.No.I-87 of 2022 registered at Khadakpada Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The Applicant shall be released on cash bail of Rs.25,000/- for a period of four weeks in lieu of sureties. During the said period the applicant shall arrange for the sureties.

(c) The applicant shall report to the concerned Police Station on first Monday of trimester between 10.00 a.m. to 12.00 noon.

He shall also provide his mobile number and residential address to the Investigating Officer.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(f) The Applicant shall regularly attend trial, on every date, unless he is exempted.

[BHARATI DANGRE, J]