

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

BAIL APPLICATION NO. 205 OF 2023

Digvijay Mansing Sardar	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Niranjan Mundargi a/w. Ms. Keral Mehta,
Mr. Vishal Waghela and Mr. Vijay Bendgude for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. A.B. Patil, Sangola Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

1. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.104/2023 pending on the file of learned Sessions Judge, Solapur. The said case arises from C.R.No.1223/2022 registered at Sangola Police Station, Solapur Rural for offences punishable under section 177, 201, 279, 304, 337, 338 of the Indian Penal Code and sections 148, 3(1)/181, 5/181 of the Motor Vehicles Act.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that on 31/10/2022, some devotees (warkaris) were proceeding towards Pandharpur. It is stated that the vehicle bearing no. MH-13-DE-7938 driven by the Applicant rammed into the procession and as a result, 09 persons expired and 05 sustained injuries. The Applicant is alleged to have driven the vehicle at a fast speed and attributing knowledge of the dangerous character and likely effect of the act resulting in death, crime came to be registered under section 304(II) of the IPC.

4. It is not in dispute that this was not a case of drunken driving. The question whether the death was caused solely due to rash and negligent driving of the Applicant or whether the negligent act was committed with the knowledge of its dangerous consequences, needs adjudication at the trial. The Applicant is a 18 years old boy. It is stated that he was a student of 1st year Computer Science studying in Karamveer Bhaurao Patil Mahavidyalaya, Pandharpur College. He is in custody since 01/11/2022. It is stated that total 48 witnesses have been cited. Charge is not yet framed and considerable time will be required to conclude the trial. His further detention will deprive him from pursuing his academic pursuits. Moreover, prolonged

incarceration will bring him in contact with hardened criminal. Learned APP states that the Investigating Officer has already applied for suspension of license of the Applicant.

5. Considering the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under section 439 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.104/2023 pending on the file of learned Sessions Judge, Solapur arising from C.R.No.1223/2022 registered at Sangola Police Station, Solapur Rural, is ordered to be released on cash bail in the sum of Rs.40,000/- for a period of six weeks ;
- (ii) The Applicant shall, within the said period of six weeks, furnish P.R. bonds in the sum of Rs.40,000/- with one or two solvent sureties in the like amount ;
- (iii) The Applicant shall report to Sangola Police Station, Solapur Rural on 1st Monday of every two months between 11.00

a.m. to 02.00 p.m. till framing of the charge ;

- (iv) The Applicant shall not interfere with the Complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)