

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1269 OF 2023

Pranay Pravin Khandagale ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Mr. Tanvir Patel a/w. Mr. Rahul Varde, for the Applicant
Mr. Pranay Khandagale, the applicant present.
Ms. Anamika Malhotra, APP, for the Respondent/State.
Mr. H.D. Kokate, HC, Khalapur police station.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 21, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.93 of 2023 registered at Khalapur police station for the offences punishable under sections 304, 279, 337, 338 and 188 of Indian penal Code, 1860 and section 37(1)(b) read with 135 of Maharashtra Police Act, 1951.
3. When the application was listed before this Court on 27th April, 2023 the following order was passed.

1. The learned counsel for the applicant submits that the applicant is ready and willing to pay reasonable compensation to the legal heirs of the deceased. In that

view of matter, the applicant is permitted to implead the husband of deceased as party respondent to the present application. Necessary amendment shall be carried out forthwith.

2. Issue notice to the added respondent, returnable on 8th June 2023.

3. Till the next date, the applicant shall not be arrested.

4. The husband of the deceased was impleaded as party respondent to the application. However, none has appeared for respondent No. 2. On the previous date, a statement was made on behalf of the applicant that he applicant was not in a position to pay compensation on account of poor financial condition.

5. The applicant is present before the Court. The learned counsel for the applicant, on instructions, submits that the applicant would be in a position to pay a sum of Rs. 25,000/- to the husband of the deceased, by way of compensation.

6. I have perused the allegations in the first information report. It seems the deceased died in a bullock cart race as the cart went off the track and ran over the shop of the deceased. Prima facie,

intention or knowledge to cause the death of the deceased by riding bullock cart in the race organized by the co-accused can not be made out. Whether the accused had the necessary means *rea* would be a matter for trial.

7. In the circumstances, having regard to the nature of accusation the custodial interrogation of the applicant does not seem to be warranted and since the applicant is on interim protection, I am therefore inclined to allow the application subject to compliance of the undertaking given before the Court that the applicant would pay Rs. 25,000/- to the husband of the deceased.

Hence, the following order.

ORDER

- 1] The applicant shall, as undertaken, deposit a sum of Rs. 25,000/- with the concerned investigating officer of Khalapur police station.
- 2] After deposit, the investigating officer shall ensure that the amount is paid over to the respondent No. 2 - husband of the deceased, upon proper identification and under a receipt.
- 3] Subject to aforesaid deposit, in the event of arrest in C.R. No.93 of 2023 registered with Khalapur police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

4] The applicant shall cooperate with the investigation and attend Khalapur police station as and when directed.

5] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)