

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1471 OF 2023

Ajinkya Sudhakar Pokharkar ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Harekrishna Mishra, for the Applicant
Mr. R.M. Pethe, APP, for the Respondent/State.
Mr. D.S. Nanaware, PSI, Dighi police station present.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 13, 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. 114 of 2023 registered at Dighi police station, initially for the offences punishable under sections 279 and 338 of Indian penal Code, 1860 and sections 134 and 177 of Motor Vehicles Act, 1988. Subsequently, section 304(2) of Penal Code came to be added after the death of the husband of the first informant who had suffered injuries in the vehicular accident.
3. By an order dated 19th May, 2023 this Court was persuaded to grant interim bail.
4. The learned counsel for the applicant submits that the applicant has cooperated with the investigation. It was a case of an

accident simplicitor. There was neither any intention nor knowledge to cause the death of the deceased.

5. From the perusal of the allegations in the first information report, the applicability of the provisions contained in section 304 of the Code appears to be debatable. In any event, custodial interrogation does not seem to be warranted. Applicant appears to have roots in society. Possibility of fleeing away from justice and tampering with evidence, seems to be remote.

6. I am, therefore, persuaded to make the order of interim bail absolute.

Hence, the following order.

ORDER

- 1] Application stands allowed.
- 2] The order of interim bail dated 19th May, 2023 is made absolute on the terms and conditions incorporated therein.
- 3] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 4] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)