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

BAIL APPLICATION NO.2353 OF 2023

STEVEN LAWRENCE RODRIQUES ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rahul Pandey a/w Adv. Noella Misquitta a/w Adv.
Qamounnis Shaikh for the applicant.

Ms. Veera Shinde, APP for the State.

PSI Pradip P. Ahire, MIDC Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 304, 279, 337, 338 read with 34
of the Indian Penal Code (hereafter 'IPC' for short), under
Sections 134(a)(b), 185 of Motor Vehicles Act and under
Section 65(E) of Maharashtra Prohibition Act registered on
21.01.2023 vide FIR No.49 of 2023 with M.I.D.C. Police
Station.

3. The applicant was arrested on 21.01.2023. The

applicant is the accused No.2. The case of the prosecution is that on 21.01.2023 at about 6.30 p.m. the original complainant along with his children was driving his motor car 'Honda Shine'. He was to pick up his wife from her office. When he reached near the office, the complainant saw the applicant's motor car coming in high speed being driven rashly. The motor car dashed the people on the road as well as dashed the car of the complainant. The accused were under the influence of liquor. The car was being driven by the accused No.1. It is the contention that the accused No.1 did not know how to drive the motor vehicle despite which he drove the vehicle under the influence of liquor with high speed. It is because of such rash and negligent driving accused No.1 caused injury to the people in which two people died. It is the case of the prosecution that both the accused were under the influence of liquor.

4. Admittedly the car was not being driven by the applicant. He was sitting next to the accused No.1. The applicant was arrested on 21.01.2023 and is now in custody for more than ten months. There are no criminal

antecedents reported against the applicant. Though it is the case of the prosecution that the accused No.1 does not have a driving licence, but from the charge-sheet it appears that the accused No.1 had a driving licence. The allegation is that accused No.1 was driving under the influence of liquor as well as the present applicant. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the this case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Steven Lawrence Rodriques in connection with C.R. No.49 of 2023 registered with M.I.D.C. Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of M.I.D.C. Police Station once in three months

every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing January 2024.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

5. The application is disposed of.

(M. S. KARNIK, J.)