

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2870 OF 2023**

Navneet Singh Deswal ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Ganesh Sovani, for Applicant.
Smt. Ashwini Takalkar, APP for State.
Mr. J.B.Lendve, PSI Baramati Taluka Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 13 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.658 of 2023 registered with Baramati Rural Police Station for the offences punishable under Sections 279, 304, 337, 427 of the Indian Penal Code and Sections 134 and 184 of the Motor Vehicle act, 1988.
3. The indictment against the applicant is that on 10 September 2023 while the deceased was riding a motorcycle on the road in front of Piyajo Company, the applicant drove his BMW Car in a very high speed and gave dash to the said motorcyclist from behind and thereby caused death of the deceased, the brother of the first informant.
4. The learned Counsel for the Applicant submitted that in the FIR the

number of the car is not mentioned. Nor there is any material to show that the applicant was at the wheel of the car. In any event, at best, it would be a case for an offence punishable under Section 304A of IPC.

5. The learned APP, on the other hand, submitted that there are witnesses who have stated that the BMW car was in a very high speed and gave dash to the deceased from behind. The impact was such that the motorcyclist was thrown away to a distance of 200 ft.

6. I have perused the statements of witnesses. They have stated that the deceased fell at the distance of 200 ft. from the place of impact. Prima facie, it appears that the vehicle by which the deceased was knocked down was in a high speed. Yet the fact that the vehicle was being driven in a very high speed, may not, by itself, satisfy ingredients of the offence punishable under Section 304 of IPC. The question as to whether the applicant had necessary intention or knowledge to cause death of the deceased appears to be debatable.

7. In any event, at this stage, to facilitate further investigation, the custodial interrogation of the applicant does not seem to be warranted. The applicant appears to have roots in society. The possibility of fleeing away from justice and tampering with evidence seem remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Navneet Singh Deswal in connection with C.R.No.658 of 2023 registered with Baramati Rural Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Baramati Rural Police Station on 25th, 26th and 27th October 2023 in between 10.00 a.m. to 1.00 p.m. and thereafter, as and when directed by the Investigating Officer.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)