

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3299 OF 2022

Rahul Shivaji Kamthe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh S. Kharat, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 4 JANUARY, 2023.

PC. :

This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 1028 of 2022 registered at Chakan Police Station, for the offences punishable under Sections 279, 337, 338, 304(2) of the Indian Penal Code (for short I.P.C.) and Sections 184, 134 (A) (B) of the Motor Vehicle Act.

3. According to the prosecution, on the date of incident, which took place on 25 June 2022 the present applicant drove the vehicle bearing registration No. MH12SF1018, in a rash and negligent manner and gave dash to complainant's daughter Ritika Babu Shinde and to son Rushabh Babu Shinde. According to the prosecution, in the incident, both of them had sustained injuries and Ritika succumbed to injuries on 27 June 2022.

4. The learned counsel for the applicant submits that incident

was pure accident and not culpable homicide. The learned counsel for the applicant submits that applicant is in jail for more than four months. It is submitted that the applicant may, therefore, be released on bail.

5. On the other hand, the learned APP for the respondent/State submits that the applicant after the alleged incident, ran away from the place of incident. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

6. The incident is not intentional. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

- A) The Application is allowed.
- B) The applicant be released on bail in Crime No. 1028 of 2022 registered at Chakan Police Station, for the offences punishable under Sections 279, 337, 338, 304(2) of the I.P.C. and Sections 184, 134 (A) (B) of the Motor Vehicle Act, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) If the complainant agrees to accept, the applicant shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand) to her within three weeks.
- D) List the application for compliance on 30 January 2023.

[N.R. BORKAR, J.]