

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 216 OF 2023

Pratik Balaji Wabhitkar

.vs.

State of Maharashtra, through PSO P.S. Chandrapur City, Tq. Dist. Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for the applicant.
Mr. S.M. Ghodeswar, A.P.P for non applicant – State.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 8, 2023.

This is an application under Section 439 of the Code of Criminal, 1973. The applicant has been arrested on 06.02.2023 in Crime No.79/2023, registered with Police Station, Chandrapur City, for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code, 1860.

2. I have heard both the sides. Having gone through the material placed before me, what transpires is that in the intervening night of 04.02.2023 and 05.02.2023, victim of the crime, Umang Dahiwal, came out of bar named and styled as “N. D. Hotel”, and was sitting near the exit gate of Raghuwanshi complex. At about 01:37 A.M. one car bearing No. MH-34/AM-4316 gave a dash to Umang and drove over him. Umang got stuck beneath the car and therefore the car driver, the applicant, removed him and fled away. It is said that somehow, the deceased managed to get up and was sitting again. Thereafter, followed the next car bearing registration No.MH-46/P-2477. This car was being driven by the accused no.2. He again mowed

down Umang at about 02:12 A.M. Unfortunate Umang succumbed to the injuries caused by both the accidents.

3. Learned A.P.P. has opposed the application on the ground that Umang was sitting at the place, which was visible to the driver i.e. the applicant. CCTV footage would clearly demonstrate that the applicant could have avoided the accident. Nonetheless, it is nobody's case that either the applicant, or the accused no.2 have any intention or have intentionally caused the accident.

4. The investigation is in progress. Nothing is to be recovered from the applicant. When inquired, there are no criminal antecedents. The applicant owns immovable property in Bhadravati. Thus, he has a strong roots in the locality. In the circumstances and considering the nature of evidence, no fruitful purpose will be served by keeping the applicant behind the bars. Interest of the prosecution can be secured by putting the applicant to appropriate terms.

5. The observations made in this order are prima facie in nature and are made for deciding the present application only.

6. Resultantly, following order is passed.

ORDER

(i) The application is allowed.

(ii) Applicant – Pratik Balaji Wabhitkar, be released on bail in Crime No.79/2023, registered with Police Station, Chandrapur City, for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code on he executing

P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend Chandrapur City Police Station, as and when directed by the investigating officer, till filing of the charge-sheet.

(iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the same till the final disposal of the case.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of in the above terms.

(Anil L. Pansare, J.)