



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 BAIL APPLICATION NO.957 OF 2024

Akhilesh Sanjay Pawar,
Age-19 years, Occu:Student,
R/o-101, Laxmi Ganga, Ganesh Colony,
Jalgaon, Tq. & Dist-Jalgaon

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. R.N. Dhorde, Senior Advocate i/b. Mr. V.R. Dhorde
Advocate a/w. Mr. S.P. Nimbalkar Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent-State.
...

WITH

BAIL APPLICATION NO.961 OF 2024

Dhruv Nilesh Sonwane,
Age-18 years, Occu:Education,
R/o-Plot No.45, Gayatri Nagar,
Shirsoli Road, Jalgaon,
Tq. & Dist-Jalgaon.

...APPLICANT

VERSUS

1) The State of Maharashtra,
Through Officer In-charge,
Police Station, M.I.D.C. Jalgaon,
Dist-Jalgaon.

2) The Superintendent of Police,
Jalgaon, Dist-Jalgaon.

...RESPONDENTS

...
Mr. Sudarshan J. Salunke Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent Nos. 1 and 2.

...

WITH

BAIL APPLICATION NO.928 OF 2024

Arnav Abhishek Kaul,
Age-19 years, Occu:Student,
R/o-Plot No.41, Jainagar,
Jalgaon.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Joydeep Chatterji Advocate Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent-State.

...

CORAM: S.G. MEHARE, J.

DATE : 20th JUNE, 2024

ORDER :

1. Heard the learned counsels appearing for the respective applicants and learned APP for the State.

2. The applicants are seeking bail in Crime No.0310 of 2024 registered with M.I.D.C. Police Station, Jalgaon for the offence punishable under Sections 304, 279, 427 of the Indian Penal Code with Section 184 of the Motor Vehicles Act and Section 8(c), 20(b)ii(a) of the Narcotic Drugs and Psychotropic Substances Act.

2. It is a case of road accident. Four persons travelling on electric scooty met with an accident of the motor car run by one accused. The report reveals that the accident occurred at the dead end of the road. The offending vehicle turned to wrong side and dashed to the electric scooty and accident caused. After the accident, villagers reached at the spot and mercilessly assaulted the accused. The mob was not allowing the police to take the injured to the hospital. However, the police intervened and took the injured to the hospital. It is also the prosecution case that small quantity of the drug like Ganja was found lying on the seat of the car. Two accused were also hospitalized and after their discharge, they were arrested and they are in the custody. Out of the four accused two accused were injured as public assaulted them and two of them flee away.

3. Learned counsel for the applicants have raised objections that there were no ingredients to attract Section 8 of the NDPS Act and no drug like Ganja was found in the car. It was sheer case of road accident having no intention. Therefore, offence under Section 304 of the Indian Penal Code is not made out. Only to please the public, Section 304 of the Indian Penal Code has been added. The intention is apparently missing in this case. Even the First Information Report also does not disclose that the driver of the offending vehicle had intention to kill the persons who have been died in the accident. At the most offence may be under Section 304A of the Indian Penal Code. The offence is triable by the Magistrate. The vehicle has been seized. The blood samples were also collected. Nothing has been found in the blood report. The applicants are young boys, having good future. The applicants are having no antecedents to their discredit. Their further custodial interrogation is not necessary. Therefore, bail may be granted.

4. Learned APP has strongly opposed the applications. He would submit that there is evidence against the driver of the offending vehicle that he was driving the vehicle rashly. Though specific report is not received about the consumption of the

drug, possessing such drugs in the car would suffice to infer that the drugs were consumed. The offending vehicle was run rashly and negligently without bothering for other's life. The dash was so severe in which four lives lost. Cases of such rash and negligent driving are causing fear in the mind of common man who walk in the road. The applicants were knowing that it was risky to drive the vehicle so rashly. Considering the gravity of the offence and death of four persons, it will not be appropriate to grant bail to the applicants at this stage.

5. The First Information Report is plain about causing the vehicular accident. The reasons are best known to the investigating officer how he has applied Section 304 of the Indian Penal Code. Even it is presumed that Ganja was lying in the car, it was very small quantity. Such quantity does not bar granting bail and there will be no impediment of Section 37 of the N.D.P.S. Act. It is an act of rash and negligent driving. The Court has sympathy towards the persons died but cannot close the eyes towards the provisions of law in respect of granting bail. It is not in dispute that villagers have mercilessly beat two accused persons in the car. They were also hospitalized, not for the injuries caused in the accident but for the injuries sustained

by assault. The question is whether the applicants would interfere in the investigation and flee away from the trial. There is no case as such.

6. After having gone through the documents placed on record, the Court is satisfied that material investigation has been completed. Further detention of the applicants is not required. However, to protect the interest of all, certain conditions are to be imposed.

7. For the above reasons, following order is passed:-

ORDER

(I) All the Bail Applications are allowed.

(II) Applicant – Akhilesh Sanjay Pawar in Bail Application No.957 of 2024, applicant - Dhruv Nilesh Sonwane in Bail Application No.961 of 2024 and applicant - Arnav Abhishek Kaul in Bail Application No.928 of 2024, be released on bail on furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh only) each, with one solvent surety of the like amount each or two sureties of Rs.50,000/- (Rupees Fifty Thousand) each, in above crime, on the condition that:-

(a) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer on written notice, till filing of the charge-sheet.

(b) The applicants shall not tamper with the prosecution witnesses.

[S.G. MEHARE , J.]

asb/JUNE24