

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

CRIMINAL BAIL APPLICATION NO. 2733 OF 2024

Mohana @ Mohan Bhaddu Alias Bahadur Rathod	Applicant
versus	
The State of Maharashtra	Respondent

Mr. A. S. Khandeparkar, Senior Advocate with Mr. Rushikesh G. Bhagat, Mr. Rohit P. Mahadik, Mr. Vaibhav Kulkarni, Mr. Saurabh Mittal i/b Khandeparkar and Associates, Advocate for Applicant.

Mr. S. S. Chaudhari, APP, for State.

Mr. Vilas Didpase, PSI, Present.

CORAM : ANIL S.KILOR, J.

DATE : 23rd SEPTEMBER, 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 107 of 2024 registered with Sawantwadi Police Station, dist. Sindhudurga, for the offences punishable under Sections 287, 337, 338 and 304 (Part-II) of the Indian Penal Code, 1860.
3. The allegations against the applicant is that he was negligent in driving the JCB because of which the accident took place and the deceased died in the said accident.

4. The applicant was arrested on 14th June, 2024 and in the meantime the charge-sheet has been filed.
5. From the statement of eye-witnesses, it is evident that applicant did not look back while taking the JCB reverse and therefore the accident took place.
6. Since it is a matter of evidence whether the applicant was negligent or not, at this stage, I have to consider whether his further custody is required. The charge-sheet has been filed, and hence I am of the opinion that further custody of the applicant is not required. In the circumstances, though the learned APP is strongly opposing the application, the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No. 107 of 2024 registered with Sawantwadi Police Station, dist. Sindhudurga, for the offences punishable under Sections 287, 337, 338 and 304 (Part-II) of the Indian Penal Code, 1860, on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of trial;
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(v) Liberty is granted to the State for cancellation of bail in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;

(vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)