

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

BAIL APPLICATION NO.584 OF 2024

Machindranath Ankush Ambure

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shantanu Kadam, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent-State.

Ms. Pooja Ramdas Chavan, P.S.I., Khopoli Police Station, District-Raigad, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : APRIL 17, 2024

P.C.:

1. Heard Mr. Kadam, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	358 of 2022
2	Date of registration of F.I.R.	18/11/2022
3	Name of Police Station	Khopoli Police Station, District-Raigad
4	Section/s invoked	304(2), 279, 337 & 338 of the <i>I.P.C., 1860</i> 184, 146, 196, 194A, 66(i) & 192A of the <i>Motor Vehicles Act, 1988</i>
5	Date of incident	17/11/2022
6	Date of arrest	10/04/2023
7	Date of filing Charge-sheet	08/06/2023

3. As per the prosecution case, the Applicant was driving a car in a rash and negligent manner which resulted in the accident which led to the death of about seven persons.

4. It is the contention of Mr. Kadam, learned Counsel for the Applicant that in fact the Applicant was also seriously injured in the said accident and he was in hospital for almost three months. He submitted that at the most the offence would fall under the provisions of 304A of the *Indian Penal Code, 1860*. He submitted that the position on record shows that there was an error of judgment and due to the circumstances, the incident took place. He submitted that there are no other antecedents against the Applicant. The Applicant is aged 40 years and he is having a family. He therefore submitted that the Applicant be enlarged on bail.

5. On the other hand, Ms. Kaushik, learned APP strongly opposed the Bail Application. She submitted that the Applicant was driving the vehicle at a speed of 100 kms per hour and he was carrying eight passengers. She submitted that fine was imposed on the Applicant as Applicant exceeded the speed limit on two occasions.

6. Mr. Kadam, learned Counsel submitted that the vehicle involved in the incident is an *Ertiga* car which has capacity of eight passengers.

7. Perusal of the record shows that the incident in question took place on 17th November 2022. F.I.R. was lodged on 18th November

2022. The Applicant was arrested on 10th April 2023. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 8th June 2023. Till date, there is no progress in the trial and even the charge is also not framed. As per the Charge-sheet, there are 43 witnesses proposed to be examined by the prosecution. Therefore, the trial will take a considerably long time to conclude.

8. The Applicant was very seriously injured in the accident and hospitalized for about more than three months.

9. The Applicant is aged 40 years and he is having a family.

10. The Applicant does not have any criminal antecedents.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Machindranath Ankush Ambure be released on bail in connection with C.R. No.358 of 2022 registered with the Khopoli Police Station, District-Raigad on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (c) The Applicant shall report to the Khopoli Police Station, District-Raigad as and when called, until the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]