

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.246 OF 2024

Vikas Vitthal Ghobale
versus
The State of Maharashtra

Applicant

Respondent

Mr.Yogesh More, Advocate for Applicant.
Mrs.Priyanka Rane, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 13th June 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.342 of 2023 registered with Valsang Police Station, Solapur Rural, for the offences punishable under Sections 279, 337, 338, 304(II), 427 of Indian Penal Code and u/s 184 and 183 of Motor Vehicles Act, 1988.
3. Learned counsel for the Applicant submits that after completion of investigation charge sheet has been filed and as such no further custody of the Applicant is necessary in this case. It is submitted that the Applicant is in jail from last nine months and the allegations are of negligent driving.
4. On the other hand, learned APP has strongly opposed the application and submits that because of negligence of the Applicant, four persons have lost their lives. Further it is pointed out that the Applicant was in a drunken condition. On the other hand, learned

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advocate for Applicant has drawn attention to the initial report which does not show that Applicant was intoxicated.

5. Learned APP further submits that there is every possibility that Applicant may not be available for trial or he may tamper with the prosecution witnesses.

6. Considering the rival submissions of the parties I have perused the charge sheet. The charge is about negligence in driving the vehicle. There is no doubt that four persons have lost lives due to negligent driving of Applicant. However, as the investigation is complete and considering the nature of allegations, I am of the opinion that further custody of Applicant is not required. Moreover, Applicant is in jail from last nine months. As far as a question whether the Applicant was in a drunken condition or not, is a matter of evidence which will be considered by the Trial Court at the stage of trial. However, at this stage considering the fact that further custody of the Applicant is not necessary, I am of the opinion that Applicant is entitled for grant of bail.

7. As far as apprehension expressed by learned APP, the same can be addressed by imposing certain conditions.

ORDER

- (i) Bail Application is allowed and disposed off.
- (ii) It is directed that the Applicant shall be released on bail in Crime No.342 of 2023 registered with Valsang Police Station, Solapur Rural, for the offences punishable under Sections 279, 337, 338, 304(II), 427 of Indian Penal Code and u/s 184 and 183 of Motor Vehicles Act, 1988 on executing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) Applicant shall attend Valsang Police Station on 1st and 16th

day of every month between 11.00 a.m and 12.00 noon till conclusion 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 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.)

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