

V/s.

State of Maharashtra ... Respondent

Mr. Omkar Kulkarni I.by Abhishekh Gokhale, for the applicant.
Ms. Veera Shinde, APP, for the Respondent/State.

CORAM : ANIL S. KILOR, J.

DATE : 24TH JULY, 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.228 of 2023, registered with Panvel Taluka Police Station, Navi Mumbai for the offences punishable under Sections 302, 304(2) and 279 of the Indian Penal Code (for short, 'IPC') and Section 184, 134 (A)(B) of the Motor Vehicle Act, 1988.
3. The allegation against the applicant is that he intentionally drove the tanker over the deceased, wherein he caused multiple

injuries and that was the cause of death.

4. The learned counsel for the applicant tries to impress upon this Court that there are contradictions in the statements of witnesses. He further points out that no bloodstains were found on the spot and further postmortem report does not support the case of the prosecution.

5. I do not find favour with the submission made by the learned counsel for the applicant as after going through the charge-sheet and the material collected by the IO during the investigation, it is evident there is sufficient evidence available on record to *prima facie* show that the applicant drove the tanker over the deceased intentionally which resulted into death of the deceased. Moreover, the postmortem report fully supports the case of the prosecution.

6. As the offence is very serious, I do not find this application as fit to allow.

7. Accordingly, the application is rejected.

(ANIL S. KILOR, J)