

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2958 OF 2024

Mahatam Rampat Varma ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Mayank Joshi a/w. Mr. Sumedh Sonawane for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Amol Zagade, PSI, Vartak Nagar Police Station, Thane City.

CORAM : MANISH PITALE, J.
DATE : AUGUST 05, 2024

P.C. :

. Heard Mr.Joshi, learned counsel for the applicant and Mr.Sonavane, learned APP for the respondent-State.

2. It is the specific case of the applicant that an unfortunate incident took place when the motorcycle on which the victims were riding skidded and fell in front of the truck, which the applicant was driving, resulting in the victims being crushed to death. In such circumstances, it is submitted that registering offence under Section 304 of the IPC, *prima facie*, may not be justified.

3. On the other hand, learned APP relies upon statements of two witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.). Perusal of the statements depicts a different version of the incident as compared to the claims made by the applicant. The learned APP also submits that CCTV footage is available. The seizure *panchanama* of the pen-drive containing the CCTV footage was placed before this Court for perusal.

4. In such circumstances, it would be appropriate that the CCTV

footage is made available for perusal of this Court.

5. At this stage, the learned APP also indicates that the charge-sheet may be filed in this week itself.

6. In that light, the learned counsel for the applicant submits that this Court may take up the present application for consideration after a week, so that the entire material will be available before this Court.

7. In view of the above, list the application for further consideration on 13.08.2024 in the supplementary board.

(MANISH PITALE, J.)

Minal Parab