

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1311 OF 2024**

Mahesh Vasant Walke	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi a/w. Mr. Ashish Kachole and Mr. Yash Fadatore, i/b. Samay Pawar for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. V. R. Nagargoje, Head Constable, Police Station Ranjangaon MIDC, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 10th JULY, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0213 of 2024 dated 26.03.2024 registered at Police Station Ranjangaon MIDC, District Pune Rural for offences under Sections 279, 304-A, 323, 337, 338, 504 and 506 of the Indian Penal Code, 1860 (IPC); as also Sections 184, 134 and 177 of Motor Vehicles Act, 1988. This Court is informed that on 30.03.2024, offence under Section 304-II of the IPC has been added.

3. The learned counsel for the applicant submitted that all the offences, except subsequently added Section 304-II of the IPC, are bailable. It is submitted that even if the statement of the informant, which led to registration of FIR, is taken into consideration, at worst, a case of Section 304-A of the IPC could be made out. Since the said offence is bailable, this Court may consider granting relief in the present application.

4. On the other hand, the learned APP submits that description of the incident, as given by the informant, is enough to indicate that the applicant can be attributed with the knowledge that his act was likely to cause the death of the victim. It is further submitted that the victim suffered serious injuries, including head injuries and succumbed to death. Hence, it is submitted that this Court may not show any indulgence to the applicant.

5. This Court has perused the statement of the informant, leading to registration of FIR. It is specifically stated that while the victim, who was the sister of the informant, was walking on the side portion and beyond the tar road, the applicant, who was driving the vehicle in question, came at high speed and dashed the victim, who died as a consequence. It is specifically stated that the said vehicle came down from the tar road onto the side portion and hit the victim.

6. The description of the incident itself shows that the vehicle came down from the tar road at high speed and hit the victim. The applicant as a person driving a vehicle, had the knowledge that the vehicle has to be driven on the tar road. Since the vehicle was driven at such a speed that it left the tar road, came down and hit the victim, the act on the part of the applicant *prima facie* indicates that he can be attributed with the knowledge that his act is likely to cause death of the person hit by such a vehicle driven at high speed

7. Considering the description of the incident and the fact that the victim suffered serious injuries, including head injury, leading to her death, this Court is of the opinion that no case is made out for granting anticipatory bail.

8. The application is accordingly dismissed.

(MANISH PITALE, J)