

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1745 OF 2024**

Jagdish Dashrath Kharmare	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Pratik Kalantri a/w. Mr. Piyush Toshnival for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

M. D. Patil, PSI, Police Station Gangapur, District Nashik.

**CORAM : MANISH PITALE, J.
DATE : 05th JULY, 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No.0135 of 2024 dated 04.06.2024 registered at Police Station Gangapur, District Nashik City for offences under Sections 279, 308, 337, 338 and 427 of the Indian Penal Code, 1860 (IPC) and Sections 184 and 185 of Motor Vehicles Act, 1988.

3. The Sessions Court rejected the anticipatory bail application of the applicant on 20.06.2024. The learned APP has made available the case diary for the perusal of this Court.

4. The principal contention raised on behalf of the applicant is that the incident in question, at worst, is an accident and ingredients of offence under Section 308 of the IPC are not made out. It is submitted that the custody of

the applicant is not necessary in the facts of the present case and therefore, the application may be allowed.

5. The learned APP has strongly opposed the prayer made in the present application. He has referred to the contents of the case diary, particularly to emphasize the ferocity with which the vehicle ran into the compound wall and the house, leading to serious injuries to the inmates of the house.

6. This Court has considered the material on record and the narration of the incident in the statement of the informant, leading to registration of FIR. Serious injuries have been caused to as many as three victims. At this stage, it cannot be said that there is no *prima facie* material to invoke the provisions of the IPC under which the offences were registered against the applicant.

7. The applicant cannot be permitted to flee from the process of law and then to claim that despite his actions, which led to the aforesaid incident, custody may not be necessary. It is for the Investigating Officer to take an appropriate decision in the matter, but the applicant has not made out a case before this Court for showing any indulgence.

8. The application is dismissed.

(MANISH PITALE, J)

Priya Kambli