

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1920 OF 2024

Sagar Dilip Pardeshi	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Chetan Damre for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
P.C. - Ketan Shivaji Kapse, Yeola City Police Station, Dist. Nashik.

**CORAM: MANISH PITALE, J.
DATE : 24th JULY 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No. 0187 of 2024 dated 28th May 2024 registered at Yeola City Police Station, Dist. Nashik, for offences under Sections 304-A, 279, 337 and 338 of Indian Penal Code, 1860 (IPC) and Sections 184, 134 and 177 of Motor Vehicles Act, 1988.

3. The FIR was registered against unknown person. The informant is the father of the victim. In the present case, the victim was a child, who died as a consequence of being hit by a vehicle on 27th May 2024. The FIR was registered on 28th May 2024. During the course of investigation, the Police found that

one Arvind Sonawane was involved in the incident, as he was allegedly driving the vehicle i.e. tractor in a rash manner. The allegation against the applicant is that he is the owner of the said tractor as per the records of the Regional Transport Office (RTO).

4. The learned counsel for the applicant submits that in the present case, even though the RTO records show the applicant as the owner of the tractor, the applicant had sold the tractor to the said co-accused Arvind Sonawane. In that regard, reliance is placed on Exhibit 'D' filed along with the application. It is further submitted that even as per the Investigating Authority, the applicant is not alleged to be present at the spot of the incident. It is not even alleged against him that he was driving the tractor when the incident took place. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may allow the present application.

5. On the other hand, the learned APP submits that the applicant has criminal antecedents. It is further submitted that after the tractor and trolley were seized, illegally excavated sand was found in the trolley and due to this, further offences are being added in the present case. It is submitted that merely because the applicant executed an agreement with the co-accused person for selling the tractor, it would not mean the applicant cannot be held liable, for the reason that the RTO records still show the applicant as the owner of the tractor.

6. The FIR in the present case was registered against an unknown person. During the course of investigation, the Investigating Authority arrested co-accused person Arvind Sonawane, as the person who was driving the tractor at the time of the incident. The said co-accused was granted regular bail by the Sessions Court by order dated 14th June 2024. This Court has perused the copy of the said order annexed at pages 32 to 35 along with the application.

7. The contention raised on behalf of the applicant that he sold the vehicle to the co-accused person by placing reliance on the agreement at Exhibit 'D', cannot be considered at this stage, for the reason that the RTO records apparently show the applicant as the owner of the tractor.

8. Nonetheless, it is not even alleged against the applicant that he was either present at the spot of the incident or that he was driving the tractor, which caused the death of the victim. Therefore, only because the RTO records show the applicant as the owner of the said tractor, it cannot be said that custody of the applicant is necessary in the facts and circumstances of the present case. The applicant has undertaken to cooperate with the investigation. It is also relevant the co-accused person who was allegedly actually driving the tractor, has been granted regular bail by the Sessions Court.

9. At this stage, it is pointed out by the learned APP that the

wife of the informant has alleged that the applicant has threatened her and in that context, a report concerning non-cognizable offences has been registered on 23rd July 2024. This Court is of the opinion that appropriate conditions can be imposed on the applicant in that regard. It is to be noted that as regards the criminal antecedents, the report of the Investigating Officer does show that in one of the cases, the applicant was granted anticipatory bail by this Court.

10. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0187 of 2024 dated 28th May 2024 registered at Yeola City Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 26th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall attend the Yeola City Police Station, Dist. Nashik, on first Monday of each month,

till filing of charge-sheet.

(d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not contact or influence the informant, witnesses or any other person concerned with the case.

11. It is made clear that in the event, the applicant violates any of the aforesaid conditions or it is found that he is, in any manner, sought to threaten or influence the informant and his family, this Court will consider recalling the order passed today.

12. The application is disposed of.

MANISH PITALE, J.