

(This order is corrected as per speaking to minutes order dated 3rd September 2024.)

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

ANTICIPATORY BAIL APPLICATION NO. 2257 OF 2024

Ankur Ravindra Vaidya ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Rahul S. Kadam a/w Shardul Diwan for the Applicant.
Mr. Tanveer Khan, APP for Respondent No.1-State.

**CORAM: MANISH PITALE, J.
DATE : 30th AUGUST 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0224 of 2024 dated 26th May 2024 registered at Paud Police Station, Dist. Pune (Rural), for offence under Section 185 of the Motor Vehicles Act, 1988. Subsequently, offences under Sections 466 and 474 of the Indian Penal Code, 1860 (IPC) were added. Both the said offences registered under the IPC are non-bailable and hence, the applicant is constrained to approach the Court.

3. The learned counsel for the applicant submits that on the date and time of the incident, it is only alleged that the applicant was found to have 44.2 mg per 100 ml blood of alcohol level on Breathalyzer Test being undertaken, when the applicant was

driving a vehicle. It is submitted that during the course of the test being administered to the applicant, it appears that there was exchange of words and in that background allegation regarding offence under Sections 466 and 474 of the IPC have been made. It is submitted that the applicant is an engineer and he is ready to present himself before the Investigation Officer, to cooperate with the investigation. In that light, it is submitted that this Court may consider granting relief.

4. On the other hand, the learned APP submits that offences under Sections 466 and 474 of the IPC have been registered in the light of certain identity cards being produced by the applicant on the date and time of the incident. It was found that the names on the identity cards and the dates of birth recorded therein had glaring discrepancy and therefore, it came to light that apart from drunken driving, the applicant is liable for offences under Sections 466 and 474 of the IPC. It is submitted that the said offences are punishable with imprisonment upto seven years. On this basis, it is submitted that this Court may not show any indulgence to the applicant.

5. The statement of the informant, who is a Police Official, which led to registration of the FIR, clearly records that at the time the Breathalyzer Test was administered to the applicant, alcohol level was found to be 44.2 mg per 100 ml of blood, which is above the threshold of 30 mg per 100 ml of blood specified in Section 185 of the Motor Vehicles Act. *Prima facie*, offence under

the said provision appears to be made out against the applicant. It is relevant to note that the punishment for first offence under the said provision is imprisonment upto six months and for second and subsequent offence it can extend to two years imprisonment.

6. In this case, it is not even alleged against the applicant that while driving under the influence of alcohol, an untoward incident took place or that any person was injured.

7. As regards the offences under Section 466 and 474 of the IPC, it appears that on the date and time of the incident, the applicant produced certain identity cards, which appeared to show discrepancy as regards the dates of birth recorded on such documents. As long as the applicant is ready to cooperate with the investigation and he produces all such identity cards/documents before the Investigating Officer, the present application can be allowed.

8. 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.0224 of 2024 dated 26th May 2024 registered at Paud Police Station, Dist. Pune (Rural), he shall be released on bail on furnishing PR Bond of Rs.50,000/- 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 2nd and 3rd September 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.

(c) The applicant shall cooperate with the investigation, including producing his Aadhar Card, Driving Licence and the identity cards that he had presented before the Police Official on the date and time of the incident.

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

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

10. The application is disposed of.

MANISH PITALE, J.