



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 535 OF 2024**

Ashish s/o Mahadevrao Yede Vs State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. R.J. Mirza, counsel for applicant.

Mr. U.R. Phasate, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 19/08/2024.**

1. By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.578/2024 registered with Police Station Frezarpura, Amravati, District Amravati for the offences punishable under Section 134 of the Motor Vehicles Act, 1988 and Sections 279, 307 and 337 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that the allegations against the present applicant is on the basis of report lodged by Lankesh Shamraoji Surjuse alleging that with intent to kill him, the applicant has driven a tipper in such a manner as to cause him injury. On the basis of said report, police have registered the crime against the present applicant. He submitted that the implication of the applicant is due to the previous dispute between the cousin of the present applicant and the sister of the informant. It is mere an accident. There is no such intention to cause death or injuries to the informant. By taking disadvantage of the

accident, he is falsely implicated in the alleged offence. He submitted that, from the photographs, nowhere it reveals that the vehicle was dashed by the tipper. Thus, considering the entire material which was collected during the investigation, no prima facie case is made out against the present applicant. In view of that, the applicant be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and invited my attention towards the statements of the eye witnesses and submitted that it was not mere an accident. The statement of the eye witnesses disclosed that the vehicle was taken in a reverse car, and thereafter, on twice the dash was given to the vehicle. He also invited my attention towards RTO report and the photographs of the vehicle, which shows in what manner the vehicle was damaged due to the said dash. In view of that, the application deserves to be rejected.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the entire investigation papers from which it reveals that there was a previous enmity between the family members of the applicant and the informant. The investigating officer has also collected the RTO Report as well as photographs of the vehicle, from which it reveals that the vehicle, which was a Maruti Omni Car, was in complete damaged condition. The statement of the eye witnesses also disclosed that the vehicle was taken

by its driver in a reverse gear, and thereafter, on twice the dash was given to the vehicle, i.e. the Omni Car.

5. Thus, the contention of the learned counsel applicant that it is merely an accident is not substantiated by the investigation papers. As far as the statement of the eye witnesses, RTO Report, and the injury sustained by the injured sufficiently show the involvement of the present applicant, moreover, after the dash, the driver of the truck was witnessed by the eye witnesses, and when he released that he was witnessed by some of the witnesses, he left the truck at the spot and fled away from the spot of incident.

6. Thus, considering the conduct of the driver of the said Tipper, which also requires to be taken into consideration. In view of that, the prima-facie case is made out against the present applicant, and therefore, the application deserves to be rejected. Accordingly, I proceed to pass the following order;

- a] The criminal application is rejected.
- b] The interim protection granted to the present applicant is hereby cancelled.

The criminal application stands disposed of.

**[URMILA JOSHI-PHALKE, J.]**