



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

CRIMINAL APPLICATION (BA) NO. 784 OF 2024

Sheikh Naim @ Sheikh Yunus Vs State of Maharashtra

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

Court's or Judge's Order

Mr. A.M. Jaltare, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/09/2024.

1. The applicant came to be arrested on 21/06/2024, in connection with Crime No. 913/2024 registered with Police Station Wardha City for the offence punishable under Sections 338, 304-A, 279 of the Indian Penal Code, 1860 and Section 184 of the Motor Vehicles Act, 1988.

2. The crime is registered on the basis of report lodged by the informant, namely Prasad Subhash Satpute, alleging that on 16/06/2024, his father had been to his duty as a security guard. At about 12 in the midnight, he received the information that his father met with an accident and was admitted in the hospital. He immediately rushed to the hospital, wherein he came to know that the present applicant, who was driving the car bearing No. MH-31-CR-8292 in a rash and negligent manner, though he had seen the deceased opening the gate, but he has not reduced the speed and driven the car in a negligent manner and gave a dash to the deceased, and the deceased sustained the injuries and succumbed to the

death. On the basis of the said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant, Mr. A.M. Jaltare, submitted that, as far as the allegations are concerned, there was no vernacular reason on the part of the applicant it is mere an accident. Now, the investigation is completed and charge-sheet is yet to be filed. But considering further incarceration of the present applicant is not required, hence he be released on bail.

4. Learned APP strongly opposed the said application and submitted that, considering the statement of the witnesses, from which it reveals that the applicant, though aware that the deceased was opening the gate, then also, he has not reduced the speed of the car and driven the car which was in his possession in a rash and negligent manner and caused the death of the deceased. Thus, considering the prima-facie material against the present applicant, the bail application deserves to be rejected.

5. Heard learned counsel for the applicant and learned APP for the state, perused the investigation papers, from which it reveals that this accident is witnessed by the eye-witnesses namely Prakash Randive as well as the co-passengers of the present applicant, from which it reveals that due to the rash and negligent act of the present applicant, he caused the death of the deceased. Though there is prima-facie case against the present applicant but considering the investigation is completed, further incarceration of the present applicant is not

required, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant – Sheikh Naim @ Sheikh Yunus shall be released on bail, in connection with Crime No. 913/2024 registered with Police Station Wardha City for the offence punishable under Sections 338, 304, 279 of the Indian Penal Code, 1860 and Section 184 of the Motor Vehicles Act, 1988, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]