



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

CRIMINAL APPLICATION (BA) NO.1149 OF 2024

Arun Sahebrao Bahale

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Kuhi,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G. N. Khanzode, Counsel for the applicant.

Mr. H. D. Dubey, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/12/2024

1. The applicant came to be arrested on 04.11.2024 in connection with Crime No.548/2024 registered with Police Station, Kuhi, Nagpur, District Nagpur for the offences punishable under Sections 281, 125(a), 125(b) and 105 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 184 and 185 of the Motor Vehicles Act.

2. The crime is registered on the basis of report lodged by Khilchand Annaji Ganvir on an allegation that on the day of the incident i.e. on 03.11.2024 he received the message of his son-in-law that his family members met with an accident and sustained the injuries. He immediately rushed to the spot of incident and he saw one Swift Dzire Car bearing No.MH-40-AC-3715 was in a turtled condition, whereas the motorcycle was also lying in

the stream. On making inquiry, it revealed to him that the present applicant has driven the car under the influence of liquor and gave a dash to the motorcycle from the back side, due to which the motorcycle turtled down and the five persons sustained injuries, who were travelling on the said motorcycle. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that even accepting the allegation as it is, there was no intention to cause death of any of the person. He submitted that it is mere an accident. As far as the driving of the vehicle under the influence of liquor is concerned, there is no material to show the same. His blood samples are already taken. Now, the investigation is already completed, further incarceration of the present applicant is not required. The death of one Nilam Ramteke took place during the treatment. Considering the same, only knowledge can be attributable to the present applicant. In view of that the application deserves to be allowed.

4. Learned APP strongly opposed the said application and submitted that the applicant is a Police Constable who was driving the vehicle under the influence of liquor, and caused the death of one woman and also caused the injuries to four other

persons. Considering the nature of the incident, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a knowledge to the present applicant that driving in a rash and negligent manner can cause the death of any pedestrian or person travelling on the road, despite the same, he has caused the death of one woman and caused the injuries to the four persons. But now considering the investigation is completed and charge-sheet is yet to be filed, nothing remains to be investigated therefore, further incarceration of the present applicant is not required. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Arun Sahebrao Bahale** shall be released on bail in connection with Crime No.548/2024 registered with Police Station, Kuhi, Nagpur, District Nagpur for the offences punishable under Sections 281, 125(a), 125(b) and 105 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 184 and 185 of the Motor Vehicles Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(4)

30.ba.1149.2024.b

(iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)