



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.02 OF 2025

Suraj S/o Arjun Shinde
Age 20 years, Occu.: Education,
R/o. Plot No.7, Maji Sainik Colony,
Gut No.31, Padegaon, Aurangabad

... Applicant

Versus

The State of Maharashtra
(Through Khultabad Police
Station, Aurangabad)

... Respondent

.....
Mr. Nilesh S. Ghanekar, Advocate for Applicant
Mr. P.K. Lakhotiay, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 21 JANUARY 2025

ORDER :

1. Applicant seeks grant of regular bail as a result of his arrest in Crime No.491 of 2024 registered at Khultabad Police Station, Aurangabad for offences punishable under Sections 105, 125(a) and 125(b) of the Bhartiya Nyaya Sanhita [BNS].

2. Learned counsel for the applicant submitted that, applicant is arrested on 23.12.2024 regarding some occurrence allegedly taking place on 15.12.2024. Learned counsel pointed out that, it is purely a road

traffic accident. That, different colour has been given by recording the offence under Section 125 of BNS. That, there is no material to draw such inference. That, there are allegations that dash was given from backside and one person died, however, occurrence is pure mishap. That, applicant is barely 20 years of age. That, applicant was himself injured in the said accident. That, nothing is to be recovered at the instance of applicant. That, applicant is behind bars since almost one month and hence he seeks grant of regular bail.

3. Learned APP strongly opposed the application on the ground that FIR is registered by the police official. That, there is an eye witness on account of giving dash. That, one person has died on the spot, and another person sustained serious injuries. According to learned APP, investigation still is in progress and for above reasons, he opposes the relief of regular bail.

4. After considering the above submissions and on going through the papers, it seems that, above crime has been registered at Khultabad Police Station on 16.12.2024 at the instance of one police official. Substance of the FIR is that, on 15.12.2024 at around 9:00 a.m. to 9:30 a.m., group of boys were riding bullet motorcycles at Dhule Highway. A rash and negligent act was committed by the rider of the motorcycle bearing No. MH-21-CE-3924, who was travelling at an excessively high

speed. He gave dash to another motorcycle bearing No. MH-19-AA-2557 from the backside. A.D. was registered and one Samina Pathan is reported to have died on the spot and her husband was said to be unconscious. The informant himself has stated that the present applicant, against whom crime has been registered for causing an accident, does not possess driving license. Therefore, considering such nature of allegations and when nothing is shown to be yet recovered or discovered at the instance of applicant, no purpose would be served by further continuing the detention of the applicant. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Suraj S/o Arjun Shinde be released on bail in connection with Crime no.491 of 2024 registered with Khultabad Police Station, Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane