



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 185 OF 2025

Avinashbhai S/o. Rameshbhai Padavi,
Age : 33 years, Occu. : Driver,
R/o. Padavi, Faliya, Khodada,
Taluka Nizar, District Tapi, Gujarat. ... Applicant

Versus

The State of Maharashtra,
Through Investigating Officer,
Upanagar Police Station, Nandurbar. ... Respondent

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Mr. Sagar S. Ghate, Advocate for Applicant
Mr. V. M. Jaware, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 4th MARCH, 2025

PRONOUNCED ON : 5th MARCH, 2025

ORDER :

1. Present applicant seeks grant of regular bail on account of his arrest in Crime No.385 of 2024 registered at Up-Nagar Police Station, Nandurbar for offence punishable under sections 105, 281, 324,(5), 239, 45 of Bharatiya Nyaya Sanhita and under sections 184, 134, 187 and 185 of the Maharashtra Motor Vehicles Rules, 1989.

2. Pointing to the date of arrest of applicant as 03.11.2024, it is submitted that, there are allegations that

applicant ran his vehicle over five persons while driving SUV vehicle. According to learned counsel, it was pure unfortunate accident. That, because five persons succumbed to injury, applicant is arrested and allegations are levelled that he consumed liquor and was driving the vehicle. However, according to learned counsel, no necessary blood test was conducted in support of above allegations. That, vehicle in question is already seized. That, applicant is behind bars since almost three months. That, charge sheet is already filed on 04.01.2025 itself. Therefore, no further recovery is shown to be at his instance. That, as applicant is ready to co-operate with investigation and he is ready to abide all conditions imposed by this court, learned counsel urges for bail.

3. Learned APP opposed on the ground that, five persons have died because of rash and negligent driving. That, applicant was said to be under influence of liquor and there is CCTV footage showing applicant purchasing liquor from wineshop. Further learned APP opposed on the ground that applicant being of other State, there is likelihood of misuse of liberty.

4. Heard. Perused the papers. FIR dated 03.11.2024 is by one Ganesh Valvi. According to him, on 02.11.2024, around 6:15 p.m., when he was proceeding to loy village to meet his friend, he

saw a white four wheeler vehicle being driven in a excessively high speed and giving dash to Yogesh Valvi, Chetan Naik, Rahul Valvi, Krishna Thakare and their two friends, who were standing near a motorcycle under repair. That, several peoples have seen the occurrence. He gave vehicle No. GJ-02-ZZ-0877. That, in the said dash, five persons reported to be succumbed the injuries. Statement is made across the bar that though there are allegation that applicant was behind the wheel, was under influence of liquor, no immediate blood test was conducted in support of such contention. Now, investigation is said to be over. The vehicle which was involved and had also turned turtle is already seized. *Prima facie*, it is unfortunate incident of road traffic accident due to rash and negligent driving. Applicant is said to be behind bars since November 2024. Apprehension of misuse of liberty as applicant is from Gujrat State can be taken care of by imposing stringent conditions. No further recovery is shown to be made and as such no purpose would be served by further detention. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Avinashbhai S/o. Rameshbhai Padavi be released on bail in connection with Crime No. 385 of 2024 registered with Up-nagar Police Station, Dist. Nandurbar on

executing P.B. of Rs.15,000/- with one surety in the like amount.

(iii) The applicant shall not tamper prosecution evidence.

(iv) The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

(v) The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till committal of the case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)