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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.214 OF 2025

Vinayak S/o Balaji Rasure,
Age: 25 years, Occu.: Labour,
R/o. Bothi Road, Chakur
Tq. Chakur, Dist. Latur.

... Applicant

Versus

The State of Maharashtra
Through Police Station,
Gandhi Chowk, Latur,
Tq. & Dist. Latur.

... Respondent

.....
Mr. V.D. Gunale, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 MARCH 2025

PRONOUNCED ON : 27 MARCH 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0535 of 2024, registered with Gandhi Chowki Police Station, District Latur for offences punishable under Sections 105, 115, 352, 3(5) of Bharatiya Nyaya Sanhita and under Sections 185 of the Motor Vehicle Act.

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2. Learned counsel for the applicant submitted that applicant is arrested on 26.08.2024. That, applicant is behind the bars since more than seven months. According to him, FIR is on hearsay information. That, occurrence was accidental, but different colour attempted to be given. That, applicant was driver. That, there was some quarrel between vegetable vendors. That, while running J.C.B., accidental dash was given. That, it is the case of negligent driving. That, heirs of deceased tendered accident claim and its copy is placed on record. He further submitted that, there is variance in the contents of FIR and the statement under Section 183 of BNSS, and totally different version is given in the claim petition filed for compensation of accident claim. That, now investigation is over, and charge-sheet is filed. That, when no further recovery or discovery is to be made at the instance of the applicant, learned counsel urges for grant of bail.

3. Learned APP opposed on the bail application on the ground that, it is a deliberate act of running down. That, there are ten eyewitnesses, whose statements are recorded. That, one instance had taken place between 02:00 p.m. to 02:30 p.m., and second incident had taken place for revenge, but this time, applicant was driving J.C.B. and he deliberately ran down a person, who died. Further learned APP pointed out that, now charge-sheet is filed and case is

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committed and charge is also framed on 07.03.2025, and even list of witnesses has been tendered on 21.03.2025. Therefore, for all above reasons, learned APP seeks rejection of application.

3. Heard. Perused the FIR dated 13.08.2024. Report is by one Vaishali Parit, alleging that, she has two brothers namely; Madhav Monohar Mule and Jalindar Manohar Mule. On 12.08.2024, when she returned from work, she learnt from one Pramod that, there was quarrel between vegetable vendors and J.C.B. driver at Kanheri Chowk, and that, her brother suffered injury on being hit by extended arms of J.C.B. She further claims to have rushed there, and further claims to have learnt from people that, there was quarrel between vegetable vendors and J.C.B. driver over the parking of J.C.B. Further, at around 08.30 p.m. to 08.45 p.m., the said J.C.B. driver Vinayak Rasure (present applicant) and his associate again picked up quarrel with vegetable vendors and started throwing vegetable crates, and then it is alleged that the present applicant drove the JCB and started manoeuvring and steering the front extended arm of the JCB, which hit the informant's brother on the chest, apart from damaging the wall. On the above report crime has been registered.

4. Now, bail is sought on the grounds that applicant is behind the bars since seven months, and charge-sheet is also filed in October

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2024, and no further recovery or discovery is shown to be made at the instance of applicant.

5. However, learned APP pointed out that after filing of charge-sheet on 24.10.2024, case is already committed and the same is numbered as R.C.C. No.137 of 2024, and charge is also shown to be framed on 07.03.2025, and further prosecution has tendered list of witnesses on 21.03.2025.

6. Therefore, taking such above developments into consideration, there are bright prospects of matter going for trial and getting over. For the said reasons, this Court is not inclined to grant relief as prayed, at this stage. Hence, the following order:

ORDER

Bail application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane