



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 302 OF 2025

Manoj s/o Shrihari Mudame,
Age 27 years, Occupation Agriculture,
R/o: Talegaon (De), Taluka Shiruranantpal,
District Latur. ... Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
Ausa Police Station,
Taluka Ausa, District Latur. ... Respondent

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Mr. P. P. More, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 01.04.2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no. 399 of 2024 registered at Ausa Police Station, District Latur for offences punishable under Sections 103(1), 109, 281, 352, 3(5) of the Bharatiya Nyaya Sanhita (BNS) and Sections 184, 185, 177 of the Motor Vehicles Act. 1988.

2. Learned counsel submitted that alleged occurrence is of 29.09.2024 and FIR is after three days, i.e. on 01.10.2024. He pointed

out that FIR is on the basis of hearsay information. According to him, alleged incident took place on account of giving cut to the motorcycle while both vehicles were traveling on road. Learned counsel submitted that, it is alleged that five persons in the vehicle gave deliberate dash to the informant, who was traveling with family on motorcycle. Learned counsel pointed out that, report is lodged on some information allegedly received by injured informant. There was no previous enmity or motive to commit above offence. Learned counsel took this Court through the transcript placed in the charge sheet and would submit that from the same, it is clear that applicant was not behind the wheels of the vehicle which allegedly gave dash. Precisely for above reasons, and as according to him, charge sheet is filed on 11.12.2024 and no further recovery or discovery is shown to be made, learned counsel seeks grant of bail on any conditions deemed fit by this Court.

3. Learned APP opposed on the ground that there was deliberate dash for questioning rash and dangerous driving. Applicant and his associates were found to be in drunken state. There is video recording and statement of one eye witness namely Nehal. Therefore, serious offence has been committed wherein two lives are said to be lost. Learned APP also apprehends misuse of liberty.

4. Heard. Perused the papers. FIR is dated 01.10.2024 at the instance of one Sadiq Shaikh regarding occurrence dated 29.09.2024. He has reported that while he was traveling on motorcycle with his family, i.e. wife, son and daughter, near Ausa Petrol Pump, cut was given by a Ford vehicle. He noted the registration number. After traveling some distance, his vehicle was given dash by the same vehicle and his wife and daughter lost life due to said dash. On above report, crime is registered.

5. Learned counsel has made a statement across the bar that present applicant was not behind the wheels. On court query raised to this extent, even learned APP admits that the person who was behind the wheels and who gave dash is not the applicant and is rather another person. Therefore, merely for being occupant of the vehicle, applicant is arrested. Now charge sheet is also said to be filed. Taking such material into consideration and when no further recovery or discovery is to be made and applicant not being the person who was behind the wheels of the offending vehicle when the dash was given, prayer so raised deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No. 399 of 2024 registered at AUSA Police Station, District Latur, on executing Personal Bond of Rs. 25,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence in any manner.

[b] The applicant shall attend the concerned police station once in every week i.e. on every Monday till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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