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

BAIL APPLICATION NO.438 OF 2025

Aditya Uchit Patil,
Age: 31 years, Occu.: Agri.,
R/o. Khetiya Road,
Tq. Shahada, District Nandurbar

... Applicant

Versus

State of Maharashtra
Through Police Inspector,
Police Station Shahad,
District Nandurbar.

... Respondent

.....
Mr. Sushil P. Pandit, Advocate for Applicants
Mr. C.V. Bhadane, APP for Respondent - State

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 07 APRIL 2025
PRONOUNCED ON : 08 APRIL 2025

PER COURT :-

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No.126 of 2025, registered with Shahada Police Station, District Nandurbar for offences punishable under Sections 106(1), 281m 125(a) of the Bharatiya Nyaya Sanhita (BNS) and under Section 11(1) of Cruelty to Animal Prohibition Act, 1960 and under Sections 184, 134, 187 of Motor Vehicle Act, 1988.

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2. Pointing to the date of arrest of the applicant as 18.02.2025, learned counsel submits that, there is false implication. That, occurrence was purely a road traffic incident. That, different colour has been given by alleging that, applicant was under the influence of liquor. Learned counsel took this Court to the statements of Nilesh Wagh and Kajal Wagh, and would submit that, when informant and his family were on a night walk with their pet dog, the dog got unleashed, and it is alleged that, when an attempt was made to catch the dog, a dash was given by the Fortuner car. Thus, according to learned counsel, no negligence also can be attributed to the applicant. That, investigation is over, and charge-sheet is already filed on 19.03.2025. That, in view of the nature of allegations, no further recovery or discovery is shown to be made. He pointed out that, allegations of consumption of liquor are attributed against friend of applicant and not against the applicant. For all above reasons, learned counsel seeks enlargement on bail.

3. Learned APP opposed on the ground that applicant was found to be under the influence of liquor. That, there is rash and negligent driving. That, learned APP also took this Court through the statement of one Sanket Bafna, who is an independent witness, wherein it is alleged that, due to rash and

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negligent driving dash was given to three persons. Therefore, learned APP opposed the bail application on above grounds.

4. Heard. Perused the FIR dated 18.02.2025 at the instance of Nilesh Gajanan Wagh. The substance of the FIR is that, on 17.02.2025, around 10:30 p.m., when his mother, sister, wife, brother and cousin were on night walk, one white fortuner car bearing No.5055 came at an extremely high speed, and after driving in a rash and negligent manner, gave dash to his mother Kalpanabi, brother Akash Wagh and cousin Bhavik. Therefore, *prima facie*, incidence seems to be giving dash by four wheeler. In the summary of the charge-sheet, it is stated that, when deceased mother of informant and his brother Akash went to catch the labrador dog, who got unleashed while walking, at that time, dash was given by Fortuner car being driven by the applicant.

5. Investigation is now said to be over, and charge-sheet is already filed in March 2025. No more further recovery or discovery is shown to be made. Thus, uncertainty prevails over the framing of charge, committal of case or matter going for trial. Therefore, when no purpose is shown to be achieved by further detention, applicant succeed. Hence, the following order :

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ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.126 of 2025, registered with Shahada Police Station, District Nandurbar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [c] The applicant shall attend the concerned police station once in a week i.e. on every Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

ABHAY S. WAGHWASE,
JUDGE

S P Rane