



{1}

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

BAIL APPLICATION NO.570 OF 2025

Prashant @ Bhavadya S/o. Narendra Sardar,
Age: 32 years, Occu.: Agri. & Education,
R/o. Tamaswadi, Tal.: Parola,
District. Jalgaon

... Applicant

Versus

The State of Maharashtra
The Police Inspector,
Parola Police Station, Parola,
Tq. Parola, Dist. Jalgaon

... Respondent

.....
Mr. B.R. Waramaa, Advocate for Applicant
Ms. Vaishali S. Chaudhari, APP for Respondent - State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 APRIL 2025

PRONOUNCED ON : 28 APRIL 2025

PER COURT :-

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime number 0026 of 2025 registered at Parola Police Station District Jalgaon for offences punishable under Sections 109, 352, 351(2) read with Section 3(5) of the Bhartiya Nyaay Sanhita and under Section 134-B and 184 of the Motor Vehicles Act.

2. Learned counsel pointed out that, three persons are named in above FIR, and applicant is arrested on 12.02.2025. That, main allegations are against driver of the tractor, which is

{2}

merely owned by the present applicant at the time of accident. That, there are allegations of trying to give a dash. That, applicant was not present when the accident was taken place rather he was at his home. That, FIR is lodged against three persons including present applicant alleging that dash has been given and there was rash driving. That, in view of such allegations no recovery or discovery is to be made. That, Tractor is already seized. That, now investigation is almost over, and mere formality of filling chart sheet has remained, and hence, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, there are specific allegations against the present applicant that he had directed and insisted the driver to run over whosoever comes in the way. That, there is an eyewitness account as well injured witnesses account. For all above reasons, bail is opposed.

4. Heard. Perused the papers. FIR dated 12.02.2025 is at the instance of Mangalabai Ravindra Hiwre, who reported that, on 08.02.2025, around 7:30 p.m., when she her daughters Ujjwala and Shubhangi, son Dipak and brother Sanjay were standing in the courtyard, at that time, blue tractor and trolley came in excessively high speed and went past them. Call was given and driver was asked to stop, at that time, Jayesh Devendra Sapkale

{3}

was driving the tractor and Akshay @ Ghodya Bhimrao Patil was on the tractor. She has alleged that, when they were questioned, at that time, Akshay Patil said that, it was not a place to talk, and he further directed Jayesh that whosoever indulges, should be given a dash. Therefore, Prashant was called and, while informing about the incident, he again saying that he would see who had obstructed their way. It is alleged that, he further directed that to run over the tractor whosoever comes in the way, and accordingly, Jayesh Devendra Sapkale run over the tractor and there are causing injuries to informant, her daughters Shubhangi and Ujwalla.

5. *Prima facie*, as pointed out that allegations of rash driving and deliberately being run over the tractor are directed against Jayaesh Devendra Sapkale. Medical papers of both Government and Private Hospital are placed on record. In the papers of Government Hospital, occurrence is reported as a road traffic accident (RTA). Resultantly, it is emerging that, applicant is mere owner of the tractor, and the person who was behind the wheels had allegedly driven the tractor in rash and negligent manner, is non-applicant Jayesh. Obviously, no overt act is attributed to the present applicant. Tractor is already seized. What further purpose would be achieved by further detention of the applicant

{4}

is not clarified. Resultantly, relief as prayed deserves to be granted. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant be released on bail in connection with Crime number 0026 of 2025 registered at Parola Police Station District Jalgaon 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 enter village Tamaswadi, Taluka Parola, District Jalgaon, till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday 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**