



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 631 OF 2025

Krishna @ Vijay S/o. Sadhu Waghe,
Age : 39 years, Occu. : Agri.,
R/o. Dapegaon, Tq. Ausa,
Dist. Latur.

... Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
Ausa Police Station,
Tq. Ausa, Dist. Latur.

... Respondent.

.....
Mr. P. P. More, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 23 APRIL 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No. 0399 of 2024 registered at Ausa Police Station, District Latur for offence punishable under sections 103(1-2), 109(1), 118(1), 281, 352 read with section 3(5) of the Bharatiya Nyaya Sanhita and under sections 184, 185 and 177 of the Motor Vehicles Act, 1988.

2. It is pointed out that, applicant is arrested in above crime on 02.10.2024 i.e. in FIR registered on 01.10.2024. That, there are

allegations that, some incident allegedly took place on account of giving cut to the motorcycle while two vehicles were proceedings on the road. It is further submitted that, there are further allegations that, a car allegedly occupied by the five persons, gave deliberate dash to the motorcycle of informant, who was traveling with his family. According to learned counsel, occurrence is purely road traffic accident. That, there was no previous grudge or enmity and therefore no ill intension. He further pointed out that, who was behind the wheels is also not clear. Now, investigation is over and charge is filed in December 2024 itself. That, other co-accused namely Manoj Mudame with similar allegations, has been granted bail by this court by order by dated 01.04.2025, and therefore, he prays for enlargement on the ground of parity also.

3. Learned APP opposed on the ground that, on minor count, out of anger deliberate dash has been given. That, there was rash and negligent driving. That, incumbent of vehicle were found to be intoxicated. That, there are eye witness account. For all above reasons, he opposes the bail application.

4. Perused the FIR dated 01.10.2024. Informant Sadik Shaikh has reported that, while he was traveling on a motorcycle with his family, a four wheeler vehicle gave cut to his motorcycle.

Said car was occupied by five persons and according to informant, all five persons were found to be under influence of liquor. When he tried to give understanding, abuses were allegedly hurled by them. He further submitted that, around 8.15 p.m., when his vehicle was near Hasala board, said car gave massive dash from backside to the motorcycle, as a result of which, he and his entire family fell down. He claims that, he was unconscious and he was hospitalized. When he gained consciousness, he learnt that his wife and daughter expired in the said accident. Whereas, his son was injured. He further learnt from his relatives that, vehicle was occupied by Digambar Padole, Krushna @ Vijay Waghe, Basavraj @ Pralhad Dhotre, Manoj Mane and Mudame and on such report, crime has been registered.

5. Thus, during hearing even learned APP could not point out whether investigation revealed as to who was actually behind the wheels when the alleged incident took place. This court by order dated 01.04.2025 has already granted bail to similarly situated co-accused, therefore applicant succeeds on the ground of parity. Hence, I proceed to pass the following order :-

ORDER

- I. The application is allowed.
- II. Applicant Krishna @ Vijay S/o. Sadhu Waghe be released on bail in connection with Crime No. 0399 of 2024 registered with AUSA

Police Station, District Latur, on executing Personal Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) 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.)