



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

BAIL APPLICATION NO. 2376 OF 2024

Krushna Karbhari Kere

Age: 19 years, Occu.: Education,

R/o. Naygaon, Bakwalnagar, Post Waluj,

Tq.Gangapur, Dist.Chhatrapati Sambhajinagar,

Sanjaynagar, Kailas Nagar, Chhatrapati

Sambhajinagar.

....Applicant

Versus

The State of Maharashtra

Through Police Station,

Waluj, Chhatrapati Sambhajinagar.

.....Respondent

.....

Advocate for Applicant : Mr. Balraj Prakash Pande

APP for Respondent : Mr.C.V.Bhadane

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 01 APRIL, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in crime no.255 of 2024 registered at Waluj Police Station, District Aurangabad for offence under Sections 105, 110, 324(5) of the Bharatiya Nyaya Sanhita.

2. Learned counsel submitted that there is false implication. That, applicant is shown as accused no.2.

As regards to present applicant is concerned, learned counsel submits that he is merely owner of the vehicle, which was driven by accused no.1 while he was alleged to be in inebriated condition. That, applicant was not aware of such state of affairs of accused no.1. That, he is merely named and booked for being owner of the vehicle. Therefore, he having played no role whatsoever, learned counsel submits that as no recovery or discovery is to be made from him and no purpose would be achieved by further continue detention and as chargesheet is already filed in November, 2024 and there are no immediate prospects of matter going for trial, he prays for grant of bail.

3. Learned APP opposed application on the ground that applicant is named in the FIR. That, serious offence is committed. That, he is shown to be owner of the vehicle. That, investigation revealed that inspite of knowing that accused no.1 was under influence of liquor, present applicant handed over his vehicle to accused no.1, resulting into the alleged occurrence. Learned APP apprehends misuse of liberty.

4. Heard. Perused the papers. FIR dated 14-09-2024 is at the

instance of Ajay Ambadas Besarkar. Substance of the FIR is that on 13-09-2024, he was travelling with his family to proceed to Pune. When the vehicle was in the vicinity of Limbe-Jalgaon Toll Naka, his vehicle was given dash by a Scorpio, which was being driven in excessive high speed. Because of the collision, all passengers of the vehicle suffered injuries and hence, the above FIR.

5. Informant has stated that Scorpio was driven by Uddhav @ Vishal Chavan and vehicle was was driven without licence. That, said vehicle was owned by Krushna Kere i.e. present applicant and he had handed over the vehicle to Uddhav, who had no licence to drive at all.

Thus, from the FIR, it is emerging that vehicle owned by present applicant was driven by Uddhav (non-applicant). Now, investigation is over and chargesheet is already filed. Only role attributed to present applicant is of handing over Scorpio vehicle to a Driver, who was said to be under influence of liquor. No further recovery or discovery is shown to be made. Vehicle in question is already seized. No purpose is shown to be achieved by further detention of the applicant as chargesheet is already filed. Hence, following order is passed. :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Krushna Karbhari Kere be released on bail in connection with Crime no.0255 of 2024 registered with Waluj Police Station, Dist.Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE