



(This order is corrected by order dated 28-01-2025)

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

BAIL APPLICATION NO. 2253 OF 2024

Deepak S/o Ramsing Dodwe
Age: 27 years, Occu.: Driver,
R/o. Anjanai/Tirla, Post Jirabad,
Tahsil Gandhwani,
Dist.Dhar, Madhya Pradesh.

....Applicant

Versus

The State of Maharashtra
Through Mohadi Nagar Police Station,
Dist.Dhule.

.....Respondent

.....
Advocate for Applicant : Mr. Siddhesh Subhashrao Ghodke
APP for Respondent : Mr.PK.Lakhotiya

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 JANUARY, 2025

PRONOUNCED ON : 27 JANUARY, 2025

ORDER :

1. Applicant seeks his enlargement on regular bail on account of his arrest in Crime no.0243 of 2024 registered at Mohadi Nagar Police Station, Dist.Dhule, for offence under Sections 105, 106(1), 281, 125(a), 125(b), 324(4) of the Bharatiya Nyaya Sanshita and under Sections 184, 134, 177 of the Motor Vehicles Act.

2. Pointing that applicant is arrested in above crime on 30-07-2024, it is submitted that there are allegations of rash, negligent driving and committing accident. That, there are allegations that applicant was under influence of liquor. He pointed out that, it was purely road traffic accident. That, vehicle in question is already seized. That, nothing more is yet to be recovered and discovered from him. That, now investigation is over and chargesheet is also filed. That, applicant is sole bread earner of the family and hence, regular bail is urged for.

3. Learned APP opposed the application by pointing out that applicant was driving Truck under influence of liquor. That, he had dragged the Baleno vehicle carrying deceased for miles together. That there is death of Harshal Bhadane due to grievous injury. That, applicant was found to have heavily drunk and he was apprehended. Learned APP pointed to hand-sketch panchanama and submitted that major accident has been committed by applicant. According to learned APP, applicant being from other Stage, it is not feasible to set him at liberty.

4. Heard. Perused the papers. Above FIR seems to be at the instance of Sharad Shankarrao Bhadane reporting that on 29-07-2024, at around 7.45 p.m. when his nephew Harshal and his two friends were travelling on National Highway No.211 in Baleno vehicle, Truck bearing no.MP09 HH1646 was driven in high speed and in rash and negligent manner giving dash to the Baleno vehicle and causing grievous injuries. One Harshal Kailash Bhadane reportedly died due to head injury and other suffered injuries. Now chargesheet is said to filed. Statement is made across the bar that offending vehicle was seized and released also by order of learned Magistrate. Applicant is said to be behind bars since 30-07-2024. Other person, who was also accused, is shown to be beneficiary of bail. No doubt, it is a case of drunk and driving and causing road mishap, but when chargesheet is said to be filed and there being no explanation as to why applicant's further custody is required, the application deserves to be allowed. However, applicant being of other State, appropriate conditions deserve to be imposed. Accordingly, following order is passed :

ORDER

- (i) Application is allowed.

(ii) Applicant Deepak S/o Ramsing Dodwe be released on bail in connection with Crime no.0243 of 2024 registered with Mohadi Nagar Police Station, Dhule on executing Personal Bond of Rs.15,000/- with one local solvent surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE

SPT