

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.981 OF 2025

Ashish Anant Pawar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rajesh More, for the Applicant.

Mr. A. A. Palkar, APP for the State.

Ms. Aarti Jadhav, PSI, Alankar Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 29th JULY, 2025

P.C.:

1. Heard Mr. Rajesh More learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.149 of 2024 registered with Alankar Police Station, Pune, for the offences punishable under Sections 105, 281, 125(a), 125(b), 324(4), of the Bharatiya Nyaya Sanhita, 2023 and under Section 184, 185 of Motor Vehicle Act, 1988. Said crime is registered as Sessions Case No.208 of 2025 and is pending before the Additional Sessions Judge, Pune.
3. Case of the prosecution is that on 08.09.2024, Applicant under the influence of Alcohol, drove the tempo bearing No.

MH.12-UM-7821 in a rash and negligent manner, without following the traffic rules, thereby gave a dash to a motorcycle. Due to the said dash the rider and the pillion rider fell on the road. Pillion rider succumbed to the injuries caused in the fall.

4. Applicant was arrested on 09.09.2024, since then he is in jail. Bail Application No.7013 of 2024 filed by the Applicant, was dismissed by the Additional Sessions Judge Pune by order dated 17.12.2024.

5. Mr. Rajesh More, learned Advocate for the Applicant submits that the allegations of rash and negligent driving or for that matter, the Applicant driving in a dangerous manner, are not supported by the evidence on record. He further submits that though the Applicant is alleged to be under influence of alcohol, there is no material to support the said claim. He submits that the Applicant is a sole bread winner of the family. He submits that the Applicant has to support his aged parents.

6. Mr. A. A. Palkar, learned APP for the State, submits that the Applicant was found driving the vehicle under the influence of alcohol. He submits that there is sufficient record to indicate the rash and negligent driving of the Applicant.

7. I have perused the record with the assistance of learned Advocates for the parties.

8. Prima facie, the material on record does not support the case of rash and negligent driving. There is no material on record to indicate the blood alcohol concentration (BAC) of the Applicant on the date of the incident. Investigation is complete and charge-

sheet is filed. Applicant is in jail for 11 months. There are no compelling reasons to continue Applicant in jail, pending trial. Applicant is therefore entitled to released on bail.

9. In view of the above, the present Bail Application is allowed, on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.149 of 2024 registered with Alankar Police Station, Pune on his furnishing PR bond in the sum of Rs.10,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Pune, in Sessions Case No.208 of 2025 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing the facts to the Court or any police officer and shall not tamper with evidence.
- d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Alankar Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

10. Bail Application No.981 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)