

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1695 OF 2025

Smita V. Raskar

...Applicant

V/s.

State of Maharashtra

...Respondent.

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Mr. Sudeep Pasbola, Sr. Advocate a/w. Adv. Ayush Pasbola, Adv. Chimay Godse, Adv. Rajan Gurnani, Adv. Ramprasad Deore and Adv. Jagruti Mestry, Adv. Deepli Kasat, Adv. Renuka Shukla i/b Adv. Pratik Kalantri for the Applicant.

Mr. C.D. Mali, APP for the Respondent/State

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CORAM : N.R. BORKAR, J.
DATE : 25.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.289 of 2024 registered at Gangapur Police Station, Nashik city for the offences punishable under Sections 105, 106(1), 281, 125(a), 125(b), 324(4) of the Bharatiya Nyay Sanhita and Sections 184, 185, 3(1)/181 of the Motor Vehicle Act and 85(1) of the Maharashtra Prohibition Act.
3. It is the case of the prosecution that on the date of incident, which took place on 25.11.2024, the present applicant, who was driving the car bearing registration No. MH-15-GM-0066 gave dash to the motorcycle on which deceased Suresh Wakhalkar was rider and his wife deceased Vidya Wakhalkar was pillion rider. It is alleged that in the incident, they sustained multiple injuries and

subsequently died due to the said injuries. It is alleged that at the time of incident, the applicant was under the influence of liquor.

4. I have heard the learned senior counsel for the applicant and the learned APP for the respondent – State.

5. Learned senior counsel for the applicant has drawn my attention to the order passed by this Court dated 11.02.2025. By the said order, the applicant was permitted to withdraw the application with liberty to file fresh application for bail after two months. The learned senior counsel submits that even otherwise there is nothing to show that the blood samples of the applicant were collected. It is submitted that investigation is over and the charge-sheet has been filed. It is submitted that the applicant is in jail for six months and there are no other criminal antecedents.

6. On the other hand learned APP for the respondent/State submits that there is a material to show that at the time of alleged incident, the applicant was under the influence of liquor. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. The investigation is over. The applicant is not likely to abscond if released on bail. Considering the overall facts and and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 289 of 2024 registered at Gangapur Police Station, Nashik city for the offences punishable under Sections 105, 106(1), 281, 125(a), 125(b), 324(4) of the Bharatiya Nyay Sanhita and Sections 184, 185, 3(1)/181 of the Motor Vehicle Act and 85(1) of the Maharashtra Prohibition Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]