

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1810 OF 2025

Ketan Manish Parikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. O. R. Tiwari a/w. Mohit Darji, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
 - Mr. Kamlesh Mishra, Advocate for First Informant - Complainant.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P.C.:

1. Heard Mr. Tiwari, learned Advocate for Applicant; Mr. Karmakar, learned APP for Respondent and Mr. Mishra, learned Advocate for First Informant - Complainant.

2. Applicant in the present case is arrested on 09.01.2025 in a case of rash and negligent driving but also having charge under Section 109 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') being foisted on Applicant.

3. Mr. Tiwari would submit that accident in the present case occurred on 11.11.2024 and First Information Report came to be filed on 18.11.2024. The co-accused was the person driving the vehicle when the accident had occurred. He would submit that First Informant – Complainant who suffered the accident has indicted the role of

present Applicant being the person who had given a contract for eliminating First Informant and that is the reason of foisting Section 109 of the BNS subsequently. He would submit that Applicant was working as Accountant in the Company belonging to First Informant and there is a case of misappropriation of funds filed by First Informant against Applicant in which Applicant has secured bail. He would submit that according to prosecution allegation the accident in the present case is linked and probably a fall out of the previous dispute and case between the parties.

4. Mr. Mishra, learned Advocate enters appearance on behalf of First Informant – Complainant and persuades the Court to hear him. The Court grants leave to hear learned Advocate for First Informant. He would inform the Court that as a result of the accident, First Informant has damaged his knee completely. He would be fair in informing the Court that though the accident occurred in November – 2024, on consultation with the doctors in March – 2025, First Informant was advised to undertake surgery for replacement of the knee cap which is the ignominy suffered by First Informant.

5. To this Mr. Tiwari would persuade the Court to consider the fact that immediately after the accident occurred, X-Ray was taken out which did not result in any injury or fracture to the knee / leg and hence the above ground would not be maintainable. Considering the

incarceration of Applicant and aforesaid *prima facie* facts delineated hereinabove, learned APP shall ascertain the veracity of submissions made by Mr. Tiwari and apprise the Court on the next adjourned date to enable the Court to consider the Bail Application of Applicant for grant of bail.

6. Applicant is granted liberty to move Vacation Court, if so desired.

7. List the Bail Application on 10th July, 2025 for hearing and disposal.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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