

AGK

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

BAIL APPLICATION NO.2844 OF 2025

Ganesh Bajirao Khandagale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Raju Suryawanshi for the applicant.

Ms. Supriya I. Kak, APP for the respondent-State.

Mr. Umesh A. Rothe, PSI, Padgha Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 23, 2025

P.C.:

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), the applicant is seeking regular bail in connection with Crime Register No.357 of 2023 registered with Padgha Police Station for offences punishable under Sections 304A (causing death by negligence), 279 (rash and negligent driving), 337 (causing hurt by act endangering life), 338 (causing grievous hurt by act endangering life) of the Indian Penal Code, 1860 ("IPC" for short), and Sections 184 and 187 of the Maharashtra Motor Vehicle Rules, 1989.

2. As per the prosecution case, the informant Rakesh Balu Patil lodged a report against unknown persons alleging that on 7 June

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2023 at about 8:30 a.m., his father, namely Balu Patil, left the house for some personal work and did not return home till 7:30 p.m. Despite making efforts to search for him in the village, among relatives, and in the surrounding areas, his whereabouts could not be traced. Repeated attempts to contact him on his mobile phone proved futile as the phone remained switched off. Later, in the early hours of 8 June 2023, around 12:30 a.m., the complainant received a call from his cousin Dnyaneshwar Patil, who informed him that he had received a phone call from Padgha Police Station at around 10:45 a.m., stating that the complainant's father had met with an accident in the boundary of village Kandki and was admitted to the Government Hospital at Padgha. Upon visiting the hospital, the complainant saw his father lying injured on the cement bed with bleeding injuries on his left hand and right leg. The complainant was convinced that his father had succumbed to grievous injuries caused in a vehicular accident with an unknown vehicle.

3. Learned counsel appearing on behalf of the applicant submitted that the entire case of the prosecution is based on the disclosure statement allegedly made by the applicant, and that except for the said statement, there is no other material brought on record to establish his involvement in the commission of the alleged offence. It is submitted that the role attributed to the applicant is only that he allegedly supplied a snake, which according to the applicant was meant for agricultural use. The learned counsel further pointed out that the applicant has been in custody since 3 July 2023 and the charge-sheet has already been

filed. As regards his antecedents, it is submitted that the applicant is shown to be involved in one prior case bearing Crime Register No.205 of 2023, in which he has already been granted bail.

4. On the other hand, the learned Additional Public Prosecutor opposed the bail application and submitted that the material collected during investigation, apart from the disclosure statement, includes call detail records (CDR), which prima facie show that the applicant was in close and continued contact with the main accused persons. It is argued that the said CDR details support the prosecution's case that the applicant was part of a conspiracy to cause the death of the deceased, and his custodial detention is necessary considering the seriousness of the allegations and the likelihood of tampering with evidence if released on bail.

5. I have carefully considered the rival submissions advanced on behalf of the parties and have gone through the material placed on record. At the outset, it is required to be noted that the offences alleged against the applicant are primarily under Section 304A, 279, 337, and 338 of the IPC, which are bailable or triable by Magistrate of First Class and do not carry punishment exceeding ten years. The nature of allegations, even if taken at face value, pertain to negligence leading to an accident. There is no direct allegation of intentional act of causing death.

6. The alleged theory of conspiracy appears to be premature and would require deeper scrutiny at the stage of trial. Insofar as the reference to the disclosure statement is concerned, it is well settled that such statements, unless leading to recovery or

discovery of incriminating evidence, are weak pieces of evidence and cannot be the sole basis for continued incarceration.

7. It is also not in dispute that the charge-sheet has already been filed. Therefore, the custodial interrogation of the applicant is no longer required. The applicant is stated to be in custody since 3rd July 2023, i.e., for more than two years. There is no material placed on record by the prosecution to show that the applicant has misused the liberty granted to him in the previous case or that he is likely to abscond or tamper with the prosecution witnesses if released on bail.

8. In view of the overall facts and circumstances of the case, the nature of allegations, the fact that the investigation is complete, and further considering the principles governing grant of bail, this Court is of the considered opinion that a case is made out for granting regular bail to the applicant.

9. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.357 of 2023 registered with Padgha Police Station for offences punishable under Sections 304A, 279, 337, 338 of the IPC and Sections 184, and 187 of the Maharashtra Motor Vehicle Rules, 1989 , upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Padgha Police Station on first and fifteenth day of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)