

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3343 of 2025

Ninad Tanmay Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rajendra B. Mokashi, *for the Applicant.*

Ms. Manisha R. Tidke, *APP for the State-Respondent.*

PSI – H. B. Gaikwad, *Shivaji Nagar Police Station, Ambernath (E), is present.*

CORAM Dr. Neela Gokhale, J.

DATED: 10th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 280 of 2021 dated 13th September 2021 registered with Shivaji Nagar Police Station, Thane for offences punishable under Section 304 and 308 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The facts of the case, in brief, are that the Applicant, stated to be a mechanic, had repaired a Mahindra Quanto Jeep in his workshop. He had taken the said car on the road to test the speed and also to ascertain whether the car was

fully repaired and in a proper condition. There are in all 5 deceased, who were occupants of an autorickshaw coming from the opposite direction. In a head-on collision, the auto rickshaw overturned and the 5 persons in the rickshaw succumbed to their injuries. There were 2 persons in another rickshaw who were also injured because of the collision between the Mahindra Quanto jeep and the rickshaw. The Applicant was arrested from the spot on 13th September 2021 and was sent to judicial custody, pursuant to the registration of the FIR.

3. Mr. Rajendra Mokashi, learned Counsel for the Applicant, submits that the Applicant is incarcerated since September 2021 and the trial has not commenced as on date. He further submits that the medical report of the Applicant does not indicate that he was under influence of alcohol or inebriated in any manner. He thus submits that, at best, the Applicant can be prosecuted for the offence punishable under Section 304A and not Section 304. He submits that he has no

antecedents, has roots in Ambarnath and is not likely to abscond. He also submits that the Applicant is the only earning member of his family. Thus, he prays that the Applicant be released on bail.

4. *Per contra*, Ms. Manisha Tidke, learned APP, has strenuously resisted the Bail Application on the ground that the offence is serious in nature. She has also pointed to the statements of the eyewitnesses, who have stated that the Applicant was driving his vehicle at a very high speed and in a rash and negligent manner. 5 people lost their lives and died on the spot. She submits that there is a possibility that the Applicant may tamper with the witnesses. She thus submits that the Application be rejected.

5. I have heard learned Counsel for the respective parties and perused the record with their assistance.

6. A plain reading of the FIR indicates that the Applicant was a mechanic who was testing the car which he had

repaired, on the road and checking the speed. Undoubtedly, the speed at which he has driving the vehicle was very high. However, since the medical report does not demonstrate that the Applicant was inebriated or under the influence of alcohol, it cannot be *prima facie* said that he has committed the offences under Section 304. Be that as it may, this issue will be decided by the Trial Court. However, as on date, only the charges are framed. The Applicant has suffered incarceration since September 2021 and as such, he is in jail since more than 4 years. The Applicant is 30 years of age and has a family. He is the only earning member of his family. Admittedly, there are no antecedents in respect of the Applicant. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- vi) The Applicant to co-operate with the conduct of the trial;

vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)