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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3475 OF 2025

Shahrukh Farukh Shaikh.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Advocate Mohsin Khan Latif Khan Pathan, for Applicant.

Advocate Meghna Gowalani, for Respondent No.2.

Mr. Prasanna Malshe, APP for the Respondent/State.

CORAM: ASHWIN D. BHOBE, J.

DATED: 21st NOVEMBER, 2025.

PC:-

1. Heard Mr. Mohsin Khan Latif Khan Pathan learned Advocate for the Applicant, Ms. Meghna Gowalani learned Advocate for Respondent No.2 and Mr. Prasanna Malshe learned APP for the State.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with Crime No. 98 of 2025 registered with Gangapur Police Station for commission of offence punishable under Sections 109, 281, 125(a)(b) of the Bhartiya Nyaya Sanhita read with Section 184, 134(a), 134(b), 187 of the Motor Vehicles Act.

3. Mr. Mohsin Khan Latif Khan Pathan, learned Advocate for the Applicant states that said Crime No. 98 of 2025 is registered as Sessions Case No. 313 of 2025 and allotted to the Court of Sessions Judge, Nashik.

4. Case of the prosecution that accused drove his car in rash and negligent manner, attempting to commit murder of the pillion rider and the Respondent No.2 (Informant /rider of the motorcycle), by giving dash to the motorcycle and taking car on their person, thereby causing hurt / grievous hurt to the pillion rider and Respondent No. 2.

5. Accused was arrested on 21.04.2025. Bail Application No.1482 of 2025 filed by the Applicant was rejected by the Additional Sessions Judge, Nashik on 06.08.2025.

6. Mr. Mohsin Khan Latif Khan Pathan, learned Advocate for the Applicant submits that the case of the prosecution is of rash and negligent driving. He submits that there is no intention or motive on the part of the Applicant in causing any hurt or harm, either to the pillion rider or the Respondent No.2. He submits that the Applicant is in jail for almost 4 months. He submits that the investigation is completed.

7. Mr. Prasanna Malshe, learned APP for the State submits that the Applicant giving dash to the motorcycle of the Respondent No.2 and causing harm to the rider and the pillion rider, indicates Applicant being rash and negligent and having no respect for the motor vehicle rules and regulations. He states that the investigation is complete and the charge sheet is filed.

8. Ms. Meghna Gowalani, learned Advocate for the Respondent No.2

submits that the fact of the Applicant giving dash to the motorcycle of Respondent No. 2 itself shows the nature and conduct of the Applicant. She submits that on account of the dash, Respondent No. 2 as well as the pillion rider suffered injuries. She submits that the Respondent No. 2 has apprehension of the Applicant threatening Respondent No.2, the pillion rider as also the witness involved in the crime, if the Applicant is released on bail. She therefore, opposed the bail.

9. Perused the records with the assistance of the learned Advocates.

10. From the nature of the allegations as revealed from the charge sheet, the incident appears to have happened due to the Respondent No. 2 not giving way to the car of the Applicant. Respondents were unable to point out any material from the record to indicate the Applicant having any motive or intention to cause any harm or the Applicant having intention to kill the rider /pillion rider of the motorcycle.

11. Apprehension expressed by Ms. Meghna Goyalani learned Advocate for Respondent No.2 can be taken care by imposing conditions on the Applicant. Investigation is completed and charge sheet is filed. In view of the same, custody of the Applicant pending the trial would not be warranted.

12. Mr. Mohsin Khan Latif Khan Pathan, learned Advocate for the Applicant on instructions from the Applicant, states that the Applicant shall not enter the territorial jurisdiction of Gangapur Police Station till the conclusion of trial in Sessions Case No.313 of 2025 . Statement accepted

13. Hence, the following Order :

- (a) Bail Application is allowed.
- (b) Applicant be released on bail in Crime No. 98 of 2025 registered with Gangapur Police Station, Dist. Nashik upon furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two local sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Nashik.
- (c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.
- (d) Applicant shall attend each and every date of hearing in Sessions Case No.313 of 2025, unless exempted by the Court of Sessions Judge, Nashik.

14. Bail Application No. 3475 of 2025 is allowed and disposed of on the above terms.

(ASHWIN D. BHOBE,J.)