CHITRA SANJAY SONAWANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Bail Application No.4258 of 2025

Shaukatali Papalal Hulkundi
Age: 51, Indian Inhabitant
R/o: Bhawani Peth, Kashewadi,
Pune
(Presently lodged as under-trial prisoner
at Yerawda Central Prison, Pune)

... Applicant

Versus

The State of Maharashtra
(At the instance of Police Station
Marketyard, Pune, C.R. No.108/2025) ... Respondent

Mr Swaraj Jadhav, Ms Shruti Kumbhar, Ms Shilpa Khatu and Mr Vikas Kumbhar, for the applicant.
Mr Arfan Sait, APP, for the respondent/ State.
WPI Sunita Navale (Crime), Marketyard Police Station, Pune City, is present.

Coram: R.N. Laddha, J.
Date: 12 December 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.108 of 2025, registered at Marketyard Police Station, Pune, for offences punishable under Sections 105, 49, 281, 125(b), and 324(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 184, 177 and 119 of the Motor Vehicles Act, 1988.

2. It is the case of the prosecution that on 11 June 2025, at about 11:10 a.m., the injured witness, Jagdish Pannalal Soni, was riding his white Access scooter, with his daughter-in-law, Deepali Yuvraj Soni, seated as a pillion rider, while proceeding from Gangadham Chowk towards Bibwewadi. At the relevant time and place, the applicant, who was driving a Tata company truck bearing registration number MH-14-AS-8852, drove the said heavy vehicle in a rash, negligent, and reckless manner, at an excessive and unsafe speed, through a highly congested area. The prosecution alleges that this was done in blatant disregard of traffic regulations, notwithstanding that the entry of heavy vehicles, such as trucks, from Gangadham Chowk towards Aai Mata Road was expressly prohibited pursuant to orders issued by the competent traffic authorities.

3. It is further alleged that the applicant, being fully aware of the nature of the vehicle he was operating, the prevailing road conditions, and the foreseeable consequences of such dangerous driving, knowingly and consciously acted in a manner likely to cause death or grievous bodily harm. In furtherance of such rash and negligent conduct, the applicant drove the truck so as to collide with the scooter, thereby severely damaging it and causing it to topple onto the road. As a direct and proximate result of the said collision, Jagdish Pannalal Soni sustained

grievous injuries, while Deepali Yuvraj Soni succumbed to the injuries sustained in the accident, resulting in her death on the spot / thereafter. The prosecution thus attributes the fatal accident squarely to the culpable rashness and negligence of the applicant in driving the offending vehicle in violation of traffic restrictions and with complete disregard for human life.

4. Mr Swaraj Jadhav, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant is the driver of the alleged truck, and the incident was an accident. The alcohol test came back as negative, and the co-accused, the owner of the vehicle, has already been released on bail. The applicant has been languishing in jail since 11 June 2025, and there has been no progress in the trial. With the investigation concluded, nothing remains to be recovered or discovered from the applicant, and his continued incarceration would not serve any fruitful purpose. The learned Counsel submits that the applicant is willing to comply with any conditions this Court deems fit to impose.

5. Mr. Arfan Sait, the learned Additional Public Prosecutor appearing on behalf of the respondent/State, has vehemently opposed the application for the grant of bail. He submits that the applicant was driving the offending vehicle which collided

with the scooter of the injured, as a direct consequence of which the pillion rider succumbed to the injuries sustained, while the rider suffered grievous bodily injuries. Emphasising the seriousness and gravity of the offence, the learned APP contends that the applicant acted in a rash and negligent manner by unlawfully entering from Gangadham Chowk towards Aai Mata Road, in blatant violation of the restrictions imposed on the entry of heavy vehicles, as per the notification issued to that effect. Such conduct, it is submitted, reflects a conscious disregard for traffic regulations and public safety. The learned APP further submits that there exists a reasonable apprehension that the applicant may tamper with the prosecution evidence or attempt to influence or intimidate material witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. It is not in dispute that the incident in question arose out of a road accident involving the applicant's truck and a scooter driven by the injured witness, with the deceased as a pillion rider. The prosecution attributes the accident to rash and negligent driving on the part of the applicant, resulting in grievous injuries to the rider and the death of the pillion rider. At the same time, the defence has consistently maintained that

the incident was accidental in nature. At the stage of considering a bail application, the Court is not expected to undertake a detailed examination of the evidence on record findings on the merits of the prosecution case. In such cases, the nature of the accusations, the role attributed to the applicant, and the attending circumstances are required to be assessed only for the limited purpose of deciding whether further custodial detention is warranted.

7. In the present case, the prosecution has not alleged that the applicant was under the influence of alcohol or any other intoxicating substance at the time of the incident. The medical report indicates that the applicant's alcohol test was negative. The prosecution attributes the occurrence of the incident to the applicant's purported disregard for traffic regulations and a consequent breach of public safety norms. However, the material available on record does not *prima facie* indicate the existence of any signage at the entry point of the subject road denoting it as a one-way thoroughfare. On the contrary, the statement of prosecution witness Yogesh suggest that the location was obscured by college admission flex boards affixed at the relevant spot, which were subsequently removed. Furthermore, the statements of the eyewitnesses do not alleged that the applicant attempted to abscond from the scene or

evade responsibility post-incident. In the totality of these circumstances, the invocation of Section 105 of the BNS, appears to be *prima facie* debatable.

8. Furthermore, the co-accused, who is owner of the offending vehicle has already been granted bail. The investigation in the present crime has been concluded and the charge sheet has already been filed. Nothing remains to be recovered or discovered from the applicant. The applicant is languishing in jail since 11 June 2025 and there has been no progress in the trial proceedings. Mere speculative fear of evidence tampering or witness influencing, in the absence of concrete grounds, cannot be a valid basis to deny bail. The applicant has expressed his willingness to abide by any conditions that may be imposed by this Court to ensure his presence during trial.

9. In the totality of the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.108 of 2025, registered at Marketyard Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and

furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

(R.N. Laddha, J.)