

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

Anticipatory Bail Application No.2204 of 2025

Tukaram Dhanaji Khandare ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr Gaurav Parkar for the applicant.

Mr Shahaji Shinde, B Panel Counsel a/w Mr SV Walve, APP
for the respondent / State.

Coram : R.N.Laddha, J.

Date : 7 August 2025.

P.C. :

The learned Counsel for the applicant submits that, on the date of the alleged incident, the applicant and the informant were jointly travelling on a motorcycle when the vehicle lost balance and skidded, resulting in an accident fall. The informant, having sustained injuries, proceeded to a hospital to avail medical treatment. Significantly, at that juncture, the informant neither raised any grievance nor made any allegation against the applicant in respect of any wrongful or incriminating conduct. There was no contemporaneous complaint or report lodged implicating the applicant in any manner whatsoever. The learned

Counsel further submits that the informant, after obtaining medical assistance, contacted the applicant telephonically on the following day and made a monetary demand to the tune of Rs.10 lakhs as compensation for the injuries allegedly sustained in the accident. The learned Counsel further submits that such a demand appears to be an afterthought and is devoid of any legal or factual basis. Moreover, the medical records available on record do not corroborate or substantiate any of the allegations subsequently levelled against the applicant.

2. The learned Counsel further submits that, even as per the recitals of the FIR, it is the applicant who immediately informed the informant's brother about the accident and sought his assistance. Pursuant thereto, the brother of the informant, arrived at the scene without delay and facilitated the informant's transportation to the hospital for medical treatment. During the entire course of medical intervention, no allegation of wrongdoing or any specific imputation was made by the informant against the applicant. The absence of any disclosure or complaint at such a crucial and proximate time, especially in the presence of the informant's close family members and medical professionals, casts serious

doubt on the veracity and credibility of the subsequent accusations. Furthermore, the FIR itself has been lodged after an unexplained delay of two days, without offering any cogent or satisfactory justification for such delay. This unexplained lapse in time further diminishes the reliability of the prosecution's version. The learned Counsel also submits that the injuries sustained by both the applicant and the informant are consistent with, and directly attributable to, a motor vehicle accident. It is also an admitted fact, as reflected in the FIR, that both individuals were under the influence of alcohol at the relevant time, which further supports the applicant's contention that the incident was purely accidental in nature and devoid of any criminal intent or culpable conduct.

3. The learned APP, however, seeks an adjournment as the investigating officer is not present.

4. By consent stand over to **3 September 2025**. There shall not be any coercive action against the applicant in the present crime till the next date.

[R. N. Laddha, J.]