

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

**INTERIM APPLICATION NO.196 OF 2025
IN
CRIMINAL APPEAL NO.41 OF 2025**

Mitesh Arvind Modi Applicant

versus

The State of Maharashtra Respondent

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- Mr. Sushrut Jadhwar, Advocate for Applicant.
- Ms. Ranjana D. Humane, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th AUGUST, 2025**

P.C. :

1. This is an application for bail pending Appeal. The Appeal is already admitted. The Applicant was convicted and sentenced by the learned Additional Sessions Judge, Greater Mumbai, vide his Judgment and Order dated 17/12/2024 passed in Sessions Case No.773/2014, as follows :

- (i) The Applicant was convicted for commission of the offence punishable u/s 304-A, 279 and 337 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for one year and to pay a

fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment for one month.

(ii) He was acquitted from the charges of commission of the offence punishable u/s 304, 427 of the Indian Penal Code and u/s 184, 185 of the Motor Vehicles Act.

(iii) The Applicant was in custody from 01/09/2014 till 31/12/2014.

2. Heard Mr. Sushrut Jadhwar, learned counsel for the Applicant and Ms. Ranjana D. Humane, learned APP for the State.

3. The case pertains to the C.R.No.204/2014 registered with Vikhroli Police Station. The incident was dated 31/08/2015. It was around 01.30 a.m. According to the prosecution case, the Head Constable Shankar Kadam, who is examined as P.W.1 was riding a motorcycle. PSI Desai was the pillion rider. The Applicant's car struck his motorcycle. PSI Desai fell down. He was not wearing helmet and sustained head injury and succumbed to his injury.

4. Learned counsel for the Applicant submitted that the prosecution has not proved that the Applicant was under influence of liquor and was acquitted from those charges. The Applicant was already in custody for more than about 4 months. The sentence is only for one year. The Appeal is not likely to be decided within the balance period of sentence. Even after his conviction, he was granted bail for a temporary period. He has not misused that liberty.

5. Learned APP submitted that the medical evidence of Doctor shows that the Applicant was unable to stand properly and therefore he was under the influence of liquor.

6. I have considered these submissions. The Applicant is already acquitted from the major charges. Learned Judge has observed in paragraph No.23 that the prosecution has not proved that the accused was driving the car dangerously. The deceased was not wearing helmet. All these aspects will have to be considered at the final hearing stage. The Applicant was in

custody for about four months out of the sentence of one year. The Appeal is not likely to be decided within the balance period of his sentence. He was granted bail post conviction for a temporary period. Therefore, the Applicant deserves to be released on bail during pendency of his Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.41/2025, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)