



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 11 OF 2025

Sachin Wamanrao Meshram and another

.Vs.

State of Maharashtra thr. PSO, PS Yashodhara Nagar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Abhay Sambre, Advocate for the applicants.

Mr A.M. Ghogare, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 15.01.2025

Heard.

2. The accused/applicants have made this application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S., 2023') who have been arrested in crime bearing No.812/2024 registered at Yashodhara Police Station District Nagpur for the offences punishable under Sections 105, 106(1) and 281 of the Bharatiya Nyaya Sanhita, 2023 and Section 184 of the Motor Vehicle Act, 1988.

3. Learned Advocate for the applicants submitted that in the report itself the informant has stated that deceased while proceeding on motorcycle dashed on the pipe were under the influence of liquor. It is submitted that accused have been remanded to magisterial custody. Their detention is not necessary for custodial interrogation. They are ready to

abide by the conditions that may be imposed by the Court. It is submitted that the offence alleged to have been committed by them is culpable homicide not amounting to murder. It is submitted that at the spot of the incident, the width of the road is 30 meters. It is also pointed out that ganja was recovered from the pocket of deceased. In the report itself the informant has stated that they were driving the motor cycle in a rash and negligent manner. Learned Advocate submitted that considering the allegations against the accused and position prevailing on the spot, further detention of the accused persons is not warranted.

4. Learned APP submitted that investigation is on the verge of completion. Learned APP on the basis of the material compiled in the case diary submitted that at this stage, the submissions advanced on behalf of the accused that they are not guilty of offence of culpable homicide not amounting to murder cannot be accepted. It is submitted that considering the serious nature of the crime the accused are not entitled for bail.

5. The incident in question occurred in the night of 13.12.2024. It is seen on perusal of the spot panchanama that the pipe was lying on the side of the road. At the spot of incident width of the road is 30 meters. The incident occurred in the night at about 2.47 a.m. It is true that work of laying the pipe line at the spot was in progress. The pipe was kept on the side of the road for further work of laying the

pipe line. It is the case of the prosecution that without taking proper precaution the pipe was kept by the side of the road. The deceased dashed on the pipe in the night and succumbed to the injuries sustained by them. As far as the merits of the case are concerned, the same cannot be gone into at this stage. The investigation is on the verge of the completion. The accused have been remanded to magisterial custody. Further detention of the accused is not necessary for interrogation. The allegation against the accused is that they being concerned with the management of work were negligent. The pipe was kept unattended without any precaution. In my view, considering the nature of the crime alleged to have been committed by them and the fact that investigation is almost over, their further detention may not be necessary and warranted. Hence the following order:-

- i) Criminal application is allowed.
- ii) Applicant No.1-Sachin Wamanrao Meshram and applicant No.2-Nitin Shankarrao Gulahane be released on bail in Crime No.812/2024 registered with Yashodhara Police Station District: Nagpur for the offences punishable under Sections 105, 106(1) and 281 of the B.N.S. and Section 184 of the Motor Vehicle Act on their furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen

Thousand only) each with one surety in the like amount.

iii] The applicants shall not directly or indirectly make any inducement or promise to any witness in any manner.

iv] The applicants shall not tamper with the prosecution evidence.

v] The applicants shall not pressurize or threaten the prosecution witnesses.

vi] The applicants shall co-operate the investigating officer.

vii] The applicants shall attend Yashodhara Police Station every Saturday between 7.00 p.m. and 9.00 p.m till the filing of the charge-sheet.

6. The prayer for Humdast is granted.

7. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)